

Electoral Observation

Nicaragua
1996



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Unit for the Promotion of Democracy

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Preface

Democratic ideals and principles have always been present in the Inter-American System. In 1948, the Charter of Bogota proclaimed that "the solidarity of the American States and the high aims which are sought through it, require the political organization of those states on the basis of the effective exercise of representative democracy."

Forty years later, with the entrance into force of the Protocol of Cartagena de Indias in 1988, the members of the Organization of American States (OAS) decided to include among the essential objectives of the Organization, the promotion and consolidation of representative democracy, with due respect for the principle of non-intervention. This established a political and legal framework through which the member states demonstrated a renewed and strengthened commitment to the defense and collective promotion of democracy, as well as to the key role to be played by the OAS.

The next year in Washington, D.C., the General Assembly recommended to the Secretary General that he organize and send electoral observation missions to the member states that requested them. This was followed in 1990 with the request from the General Assembly in Asuncion to the Secretary General for the creation of the Unit for the Promotion of Democracy (UPD).

In 1991, in Santiago de Chile, the General Assembly adopted Resolution 1080 on "Representative Democracy." This measure instructed the Secretary General, in the event of a sudden or irregular interruption of the democratic process in any member state, to immediately request a meeting of the Permanent Council in order to assess the situation and take appropriate measures.

Finally, in December of 1992, an extraordinary meeting of the General Assembly approved the Protocol of Washington in which the Charter of the OAS was amended to include a provision authorizing the suspension by a two-thirds majority of the right of a member state, whose government had been overthrown by force, to participate in the governing bodies of the OAS. The Protocol is pending ratification by a two thirds majority of member states.

On this wave of democratic momentum, the Unit for the Promotion of Democracy (UPD) of the OAS emerged as a key long-term mechanism for democratic development and consolidation within the Americas. Established on October 15, 1990 by Secretary General João Clemente Baena Soares, in conformity with the mandate of the 1990 General Assembly, the UPD provides "a program of support for democratic development which can respond promptly and effectively to

member states, which in the full exercise of their sovereignty request advice or assistance to preserve or strengthen their political institutions and democratic procedures."

With this foundation, and only when requested by member states, the UPD undertakes projects in the areas of democratic education, and the strengthening of electoral and legislative institutions. An additional key function is to organize electoral observation missions in those countries that request them.

Recent OAS electoral observation activities stem from the conviction that an effective and transparent electoral process is a fundamental element in both the achievement and consolidation of representative democracy. They are always organized under the guidance of the Secretary General, however, and in response to a request from a member state.

Based on this framework, electoral observation missions have the following objectives: a) to observe the electoral process and report to the Secretary General using the constitution and electoral norms of the country as a point of reference; b) to cooperate with government, electoral and party officials, and with the general public in order to assure the integrity, impartiality and reliability of the electoral process; c) to serve as an informal conduit for consensus-building and conflict resolution among the participants in this process; and d) to encourage respect for established laws and procedures, and promote the use of existing mechanisms of the electoral system in the search for solutions to problems that may arise throughout the electoral process.

Some missions, such as the one carried out in Costa Rica in 1990, or in Colombia in 1994, are short term and more symbolic in nature. These are composed of small and specialized group of observers that usually remain in the host country for a brief duration, commencing shortly before, and ending shortly after, election day. Other cases of electoral observation - such as those presented in this publication - entail missions arriving weeks, sometimes months, ahead of election day, allowing them to be present for the entire electoral process. Such missions are therefore long-term and far more complex endeavors. These more involved operations generally begin with the study of the electoral norms that underpin the entire process. The OAS then proceeds to observe the voter registration process, survey electoral organization and preparation, and monitor development during the campaign period. Other activities center around the observance of media accessibility, freedom of the press, freedom of speech and of association, the proper use of state resources, the designation and training of election officials, the production and distribution of electoral rolls and materials, and the implementation of security measures. In addition, these missions provide a comprehensive evaluation of voting and vote tabulation procedures at the individual voting precincts, including the dispatch and receipt of results, the compilation of electoral information, election verification, and any other post-electoral developments. Such long-term electoral observations usually conclude when the central electoral authority announces the final electoral results.

Electoral observation missions undertake a series of specific activities in order to fulfill these functions. These include meetings with candidates, political party representatives, electoral authorities, civic organizations and other relevant groups. The OAS also attends political meetings

and rallies, monitors the media, receives and transmits to the proper authorities complaints about electoral rule violations, and carries out statistical projections (quick counts) on election day.

In other words, electoral observation missions focus on those aspects or mechanisms of the electoral and political process that could potentially create conflicts among the various parties or affect the integrity or transparency of the results. The above activities and analyses, therefore, combined with electoral experience acquired by the OAS and other international organizations, enable missions to target weaknesses and formulate possible approaches and solutions.

Finally, it is important to mention that OAS missions of electoral observation are carried out by multi-disciplinary teams of international civil observers - experts in electoral systems, law, political science, education, information sciences, statistics, communications, logistics and other disciplines. Often under a sensitive political climate, observers are placed throughout the host country in an effort to cover the electoral process in as many urban and rural districts as possible. In addition, advanced and independent communications, computer and transportation systems permit the OAS to keep track of voting trends and maintain constant contact among observers.

The purpose of the current publication is to provide the general public, as well as more specialized readers, with related material on some of the electoral observation missions carried out by the UPD. We hope that the study and analysis of these experiences will contribute to a better understanding of the countries of the region, and to the body of knowledge on democratic values and practices, as we approach the twenty-first century.

Elizabeth M. Spehar
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Executive summary

During the General Assembly of the Organization of American States held in Haiti in June 1995, the Vice Minister of Foreign Affairs of Nicaragua requested the OAS Secretary General to send a mission to observe and support the process that would culminate in the general elections on October 20, 1996. In January 1996 the Secretary General informed the Nicaraguan Ministry of Foreign Affairs that a group of electoral observers headed by Dr. Oscar Alfredo Santamaría, would be sent.

The OAS Electoral Observation Mission began working in Nicaragua on April 16, 1996, setting up a headquarters in Managua and five regional offices in Juigalpa, Jinotega, Matagalpa, León, and Managua. The city of Managua was the site for the headquarters for the mission as well as the office for that area, so that coordination, management, and logistical support work could be kept separate from the specific tasks of the observers assigned to the area. The number of observers increased gradually, as the need arose, ending at a total of 97 by election day. To enhance the quality of the observation and increase the number of control points, the mission decided to join forces with the election observation mission sent by the European Union. In accordance with a decision made by the Chief of Mission in consultation with the OAS General Secretariat, the two missions performed a quick tally on election day.

To track the complaints filed during the electoral process, the mission set up a procedure for receiving and monitoring them which operated both at its headquarters and at the regional offices. The Mission was not authorized to act on the complaints; its work was confined to transmitting them to the appropriate election officials and following the steps taken to process and ultimately resolve them.

The Mission's pre-election activities included establishing contacts with representatives of the political parties participating in the election process; monitoring the election campaign by observing advertising and publicity activities; monitoring the media and the organization of the election; and observing the processes of registration, issuance of identity cards, preparation of the electoral register and distribution of the voting documents. For its contacts with the political groups, the Mission drew up a schedule of meetings with the representatives of the 35 legally constituted parties, which provided an opportunity to learn about the concerns of Nicaragua's political leaders, inform them about the purposes of the Mission, and maintained a continuous dialogue with the country's political groups.

The Mission found that the campaign was conducted in an orderly fashion with few problems. Not only were there no serious incidents during the political events and demonstrations,

but the speeches were conciliatory. The prevailing state of security and respect for fundamental rights and guarantees, such as freedom of the press, organization, assembly, and speech, all contributed decisively to maintaining a general atmosphere of calm.

Some of the biggest problems concerned voter registration and documentation. The elections were held using a mixed register, one that combined elements of the traditional Nicaraguan voting system, based on ad-hoc temporary registration, and elements of a permanent electoral register. Various sources suggested that the register might not be accurate and it was therefore checked twice, but some people still did not trust it. To relieve the concerns of the political parties and other persons involved in the process, the Supreme Electoral Council (CSE) conducted an internal audit, that showed a 10.2 percent rate of error in the register of voters holding identity cards and a 14.9 percent rate in the ad-hoc register. This degree of precision was considered acceptable by the political parties.

The ad-hoc registration took place on weekends from June 1 to July 8, 1996, to register the inhabitants of 26 municipalities in the northern strip and the center of the country that had been omitted from the certification process for the issuance of identity cards. In view of the political importance of the ad-hoc registration, the Mission observed it in its entirety in all the municipalities. The Mission noted the atmosphere of freedom that prevailed during the process, which enabled people to go to the polls eligible to vote without any problems. During the operation, 359, 856 persons were registered. This was an important achievement for the CSE.

The voting documents were distributed by a home delivery system. In July it became apparent that this was not the best means of getting all the documents distributed before October 20, and so the CSE decided to organize a mass-delivery plan. This plan was successful; by the end of the pre-election phase, 95 percent of the documents prepared had been distributed. The Mission can state that the CSE made a genuine effort to distribute all the voting documents.

The members of the Mission observed the distribution of election materials, the siting and setting up of the polling stations, the training of the staff members, and the voting civic instructions offered to the citizenry. The distribution of election materials to the voting centers, which was beset by delays, was finally carried out with the help of the army. However, the speed at which the materials were then distributed caused a number of mistakes to be made.

Between October 18 and 21, 1996, Secretary General César Gaviria visited Nicaragua to see at first hand how the election process was going. He met with the President of Nicaragua, the head and other members of the CSE, and the presidential candidates from the major parties. On election day he went to a number of voting centers, both in Managua and in other parts of the country. Afterwards, during a press conference, he read a statement in which he paid tribute to the strong civic spirit of the Nicaraguan people, who had turned out in huge numbers to exercise their right to vote, and to the smooth operation of the elections, despite irregularities detected both in the pre-election process and on voting day.

On election day, the Mission observers noted various problems of different magnitudes. The most common were the delays in the opening of polling stations, a shortage of voting materials, and incorrect location and staffing of the polling stations. With respect to staffing, most of the municipalities failed to comply with all the rules. These problems prevented the stations from being ready on time. Among the positive factors noted were the atmosphere of calm and civic spirit, strict observance of the secrecy of the ballot in the vast majority of the stations visited, and the correct use of the indelible ink.

During the post-election phase, the mission monitored the vote-counting process, the transmittal of results, the delivery of the election materials, the receipt of the results at Managua's Computation Center, the review for arithmetical errors, the processing of challenges and appeals, the petitions for review, and the distribution of legislative seats.

The count took several hours. Delays occurred mostly in rural areas, as a result of deficient facilities in the places where the polling stations were operating, the complexity of the process of counting and tallying votes, the lack of training of poll workers and inspectors, and the lack of adequate material. Despite the slowness of the process, Mission observers found that the count took place in a peaceful and orderly fashion, and no serious incidents were reported.

There were some difficulties in transmitting the results, such as the fact that a large proportion of the telegrams received at the Computation Center contained amendments, erasures, and deletions, and many were sent late. Moreover, it took a long time to enter the data into the system. The lack of review and control in the delivery of election materials adversely affected this aspect of the process. Numerous errors were also discovered in the tally records. However, after reviewing the election results from departments, the CSE declared that it did not find sufficient reason to nullify any of the elections. The problems encountered during the review in Managua and Matagalpa departments were particularly significant, and the report therefore describes the review in those two departments in detail.

As occurred with the transmission of data, the delivering of the voting materials after the elections was surrounded by a great deal of confusion. In some departments the election officials had not developed procedures for receiving the materials, and this caused long lines to form around the computation centers. In Managua especially, the polling station staff members simply left the bags containing the election materials right in the street.

On November 22, 1996, the CSE published the final official results. However, some of the candidates for national or departmental deputy, who were announced as winners had not been listed as winners in the provisional results published by the CSE on November 8. The difference between the provisional and the final results, was due to a change made by the CSE in the way the seats were distributed. Once the final results were tallied, the Alianza Liberal came in first with 904,908 votes (50.99%), followed by the FSLN with 669,443 (37.83%).

The October 20, 1996, elections were the most complex in the political history of Nicaragua, because six elections were held simultaneously and a large number of political groups took part in them. This presented the Supreme Electoral Council with major difficulties in organizing the elections. The process of issuing identity cards encountered a string of delays, and in 26 municipalities in the northern and central parts of the country, it could not be done. Because of this difficulty, special steps had to be taken, and so a combined registration system under which people could vote using three different documents, was instituted. There were sizable gaps in the electoral laws, which deprived the election authorities of the clear legal framework they needed to facilitate their work.

The problems mentioned in this report can only be solved with the full participation of everyone involved in the electoral process. Although the disorganization observed during various stages of the process is primarily the fault of the election authorities, it is important to point out that the political parties frequently did not avail themselves of their rights to verification and supervision. On the positive side should be noted the mass participation by the people, the peaceful atmosphere in which the elections took place, the constant efforts of the CSE to correct problems and mistakes at various points along the way, the participation of national observers from the Ethics and Transparency group, and the support offered by agencies of the central government. The army and the police also did an excellent job of providing security for the people in a professional and nonpolitical manner.

It must be emphasized that despite the problems observed, they did not interfere with the people's free expression of their political will or with the freedom to conduct political and electoral activities. Nicaraguans exercised their right to vote with no duress or obstacles whatsoever, and the political parties had all the basic guarantees they needed to convey their messages and present their platforms and candidates.

The objective of the OAS Election Observation Mission was to support the electoral process in Nicaragua by providing its good offices as neutral, impartial observers. The final chapter of this report offers recommendations for improving the system.

PART I

The Electoral Observation Mission

1. Origin and mandate of the Mission

During the General Assembly of the Organization of American States held in Haiti in June 1996, the Vice Minister of Foreign Affairs of Nicaragua requested the OAS Secretary General to send an electoral observation mission in support of the process that would culminate in general elections to be held on October 20, 1996. On June 7, the Nicaraguan Government reiterated its invitation through its Permanent Representative to the OAS, requesting that the observation process begin immediately, if that should be considered advisable, “to offer the Nicaraguan people the best guarantee for the strengthening of democracy.”

In a letter signed in January 1996 the Secretary General informed the Nicaraguan Ministry of Foreign Affairs that preparations were under way for setting up the first group of observers, and that Dr. Oscar Alfredo Santamaría had been designated as Chief of Mission and Personal Representative of the Secretary General.

The Mission received the valuable support of several OAS member countries and permanent observer countries, including the United States, Japan, Sweden, the Netherlands, Canada, and Switzerland (see Appendix I).

Objective of the Mission

The objective of the Electoral Observation Mission to Nicaragua was to observe the electoral process as it developed, take note of what it saw, and report its findings to the Secretary General. The frame of reference for the Mission was the OAS Charter, the Nicaraguan Constitution, the national election laws, and agreements between the General Secretariat and the Nicaraguan Government.

Within this framework the OAS Electoral Observation Mission to Nicaragua performed the following tasks: a) observed the pre-election process, including registration and the issuance of identity cards, the development of the campaign and the organization of the actual elections by the authorities; b) received, analyzed, and transmitted complaints and checked to make sure that they were properly handled in accordance with the law; c) responded to questions and concerns raised by political parties, nongovernmental organizations, and other participants in the electoral process; d) observed the voting, count, tabulation, and transmission of results on election day; e) observed the post-election process, including the delivery and receipt of the election materials, the checking

of the calculations, the filing and processing of petitions for review, and the distribution of seats in the legislature; and f) prepared assessments of the electoral process, including a special report on the ad hoc registration, a pre-election report, and a final report.

The Mission also had the objective of cooperating with government, electoral, and political party officials and with the general public in their efforts to guarantee the integrity, impartiality, and transparency of the election process.

Terms of reference

To ensure the fulfillment of its mandate, the Mission signed a procedural agreement with the Nicaraguan election authorities, which spelled out the rules that would govern the relations between the group of OAS observers and the Supreme Electoral Council (CSE) and its agencies. The document contained the following points, among others:

- a. The Supreme Electoral Council and its subordinate agencies would provide the group of observers from the General Secretariat with information regarding the organization, management, and supervision of the electoral process. The observers, in turn, could ask the Supreme Electoral Council and its agencies for any additional information needed to perform their work.
- b. The group of observers could inform the Supreme Electoral Council or the electoral agencies under its control of any irregularities or interference that they observe or that are reported to them. The observers could likewise ask for information on any measures adopted in response.
- c. The Supreme Electoral Council would ensure that the group of observers had access to the electoral registers.
- d. The Supreme Electoral Council and its subordinate agencies would ensure that the group of observers had access to the places where the polling stations are operating during voter registration and on the day of the actual vote and count, and that they had access to the verification offices.
- e. The Supreme Electoral Council could, at the request of the group of observers, include members of the Mission in planning the transportation of election officials, administrative personnel, or poll workers.
- f. The Supreme Electoral Council and its agencies would ensure access by the group of observers to the departmental, regional, and national computation centers.
- g. The Chief of Mission, as the Personal Representative of the Secretary General, would notify the Supreme Electoral Council of the names of the persons comprising

the group of observers. The Council would in turn provide them with the credentials required to perform their work.

- h. The Supreme Electoral Council and the group of observers would hold periodic meetings of their work teams to exchange information on the progress of the electoral process.

2. Start and development of the Mission

The OAS Electoral Observation Mission began its work in Nicaragua on April 16, 1996, when the first group of observers, consisting of the Chief and six officials, arrived in the country.

Structure of the Mission

The first group of observers was in charge of designing the organizational structure of the Mission, which took the following form:

General coordination. The Chief of Mission was in charge of general coordination, and issued the guidelines for planning, implementing, following up, and evaluating the various observation activities. He was also responsible for giving instructions to begin those operations and for maintaining contacts with the persons participating directly and indirectly in the election process.

Administrative and financial. The administrative and financial area was in charge of providing the administrative and logistical elements needed to achieve the objectives proposed in the Mission's work plan. An administrative and a financial officer were responsible for this area, and their job was to manage the human, material, and financial resources so that they were at the right place at the right time.

Legal-electoral. The legal-electoral area received complaints and monitored the legal activities related to the election process. It was headed by a legal-electoral officer who strictly monitored the activities on the election schedule related to the registration of political parties, the presentation of candidates, the filing of appeals, and the handling of election complaints, among other things.

Political-electoral. The political-electoral area was in charge of analyzing and evaluating the political climate. Three political-electoral officers, together with the Chief of Mission, continuously monitored the various stages of the political-electoral process.

Technical-electoral. The technical-electoral area was in charge of the design, monitoring, and control of observation strategies and mechanisms in the field; the assembling, analysis, and presentation of reports based on the data obtained through these procedures; and the design of manuals and forms and the supervision of Mission support functions, such as data processing and

training. This area was run by a technical statistical officer and an expert in technical election matters.

Press. The press area was responsible for preparing the mission's press releases and for relations with the media. A press officer was in charge of this section.

Basic follow-up. To coordinate the planning, monitoring, and control operations, the Chief of Mission formed a group made up of the officers in charge of each of the work areas. The group took its decisions on a consensus basis, and this strengthened the functioning of the Mission.

The organization chart of the Mission appears in Appendix II.

Territorial distribution

The Mission's territorial deployment plan was based on such factors as the degree of importance given to each stage of the election process, the characteristics of the territory to be covered, and the financial resources available. During the ad hoc registration period, the Mission observers covered all 26 municipalities involved, and during the pre-election and post-election phases members of the Mission traveled to virtually all parts of the country.

The Mission had six offices:

Headquarters or central office. The central office of the Mission, in Managua, performed a dual function as the center for management and coordination of the observation project and as the administrative and financial center. The central office issued the guidelines to be followed throughout the electoral observation process, and at the same time planned the deployment of human resources and logistical support to carry out each stage of the Mission's work plan.

Juigalpa regional office. The Juigalpa regional office, in the capital of Chontales Department, was responsible for covering the departments of Chontales, Boaco, Río San Juan, and the Autonomous Region of the South Atlantic (RAAS). During the ad hoc registration period, this office covered seven municipalities in Chontales Department and one in Boaco Department, and then extended its coverage to the remaining municipalities in those departments and all the municipalities in Río San Juan and RAAS, for a total of 29 municipalities.

Jinotega regional office. In view of security problems in Jinotega Department posed by armed groups, hard-to-reach municipalities, and a scarcity of government institutions, the central office decided to open a base of operations in the departmental capital of the same name to facilitate travel in the region during the period of ad hoc registration. This office covered the six municipalities in the department included in that operation by the Supreme Electoral Council. It was then closed and responsibility for covering the department was transferred to the Matagalpa regional office.

Matagalpa regional office. Because of its extreme polarization and the constant presence of armed groups, the Matagalpa regional office, in the departmental capital of the same name, received special administrative and logistical support. This office covered the departments of Matagalpa, Jinotega, Nueva Segovia, Madriz, and Estelí. During the ad hoc registration period, twelve municipalities were covered: seven in Matagalpa, four in Madriz, and one in Estelí. This number rose to 49 --all the municipalities in the region-- during the pre-election period.

León regional office. Given the political importance of the so-called Nicaraguan West, the central office decided to open a regional office in the capital of León department in July. This office was responsible for covering 23 municipalities in the departments of León and Chinandega during the pre- and post-election stages. The office was originally staffed by observers who had been assigned to the Jinotega regional office.

Managua regional office. Finally, in mid-August, the Managua regional office was set up in Managua to cover the departments of Managua, Masaya, Carazo, Granada, and Rivas and the Autonomous Region of the North Atlantic (RAAN), with a total of 44 municipalities. Travel in those departments posed no problems, since except for RAAN this is the most developed part of the country.

PART II

The pre-election situation

1. Background

Pursuant to the Constitution and the Electoral Law, the October 20 elections were for the offices of President and Vice-Presidents, national deputies, departmental deputies, deputies to the Central American Parliament (PARLACEN), mayors, and municipal councilors. A total of 657 offices were in contention.

There were 23 candidates for President, of whom 19 were presented by political parties and 4 by party alliances. For the first time in national elections, there was also participation by 55 groups made up of citizens on the electoral register of a single electoral district or precinct, known as people's subscription associations. According to the Electoral Law, all such groups must number at least 5 percent of the electorate, and they can present candidates throughout the country for mayor, deputy mayor, municipal council members, and regional council members in the autonomous Atlantic Coast regions. Counting the people's subscription associations, 78 political groups, with a total of more than 11,923 candidates, participated on the October 20 elections.

Legal basis

The Supreme Electoral Council (CSE) is the agency in charge of organizing, directing, and supervising elections. Its status under the Constitution is that of a branch of the national government.

The Election Law, passed by the National Assembly on December 5, 1995, and approved by the Executive on January 8, 1996, establishes the general powers of the electoral branch, defines the various stages of the process, and determines the composition and functions of the CSE, the powers and functions of magistrates, the qualifications of candidates to these offices, and their terms of office.

The Citizen Identification Law, passed by the National Assembly on January 27, 1993, and approved by the Executive on March 5 of that year, establishes that the valid document validating the right to vote is the identity card. This law also defines the scope and jurisdiction of the CSE in the issuance of identity cards to citizens, establishing the power to set schedules, the competent authorities at the various administrative levels, and the general components and features of the issuing process.

In view of the discretionary powers granted to the Supreme Electoral Council by the Election Law, the agency issued a number of regulations and guidelines during the election process, including the procedural manual governing relations between international observers and the CSE, the rules for national observation, regulations on electoral ethics, resolutions on the allocation of legislative seats, procedures for handling petitions and complaints, a resolution on the distribution of funds budgeted for campaign expenditures, rules for the functioning of the Administrative Register and the control of financial resources assigned to political organizations, and a resolution on the functions of the authorities in the vote count and in cases of invalid votes.

National and international election monitoring

Looking towards the October 20 elections, Nicaraguan authorities extended invitations to various international organizations known for their experience in the area of election observation. Under the rules drawn up by the CSE, two types of organizations were invited: international agencies, including the OAS and the European Union, and nongovernmental organizations, including the National Democratic Institute (NDI), the Carter Center, the International Republican Institute (IRI), the International Foundation for Electoral Systems (IFES), and the Center for Democracy, among others.

It is worth noting that for the first time in Nicaragua's history, a national monitoring agency took part in monitoring the electoral process. The group, called Ethics and Transparency, was formed specifically for that purpose and was made up of representatives of churches, national nongovernmental organizations, and prominent individuals. The CSE issued a resolution specifically authorizing national observation and granting the authorized group the power to observe the entire electoral process.

2. The political scenario

The October 20 elections were the culmination of the transition process that began in Nicaragua in 1990 after the electoral defeat of the Sandinista National Liberation Front (FSLN) and the election of Violeta Barrios de Chamorro, the candidate of the National Opposition Union (UNO), as President.

The historical importance of the October 20 elections is highlighted by the decision of Nicaraguan political parties to participate fully in the electoral process. In the past, large opposition sectors had refrained from participating in elections because they believed that the minimum conditions for fair competition were not met. On this occasion, as in 1990, all the political parties responded to the invitation issued by the election authorities. As a result, the elections were accepted from the start as legitimate by the entire political spectrum, which meant widespread acceptance of the terms for the electoral process. The October 20 elections thus helped to lend credibility to the system and establish common rules of the game, making the transition process irreversible.

Background

In 1979 the FSLN led a popular uprising that ended with the overthrow of the dictatorship of Anastasio Somoza Debayle and the introduction of a revolutionary regime. Initially, a wide spectrum of social and political sectors, displeased at having been excluded during the Somoza regime, participated in the break-up of his system. However, once the new government was inaugurated, the revolutionary process gradually began to lose part of its support base among sectors that had initially endorsed it.

The fragmentation of the social and political alliance that had produced the triumph of the revolution caused a profound political crisis, which led Nicaragua into a tight spiral of confrontations and finally into a prolonged armed conflict between the Sandinista government forces and the so-called Nicaraguan Resistance forces, popularly known as the “Contras.” The political crisis, in turn, triggered a sharp deterioration in economic and social conditions.

The Esquipulas Agreements and subsequent meetings of Central American Presidents established conditions for dealing with the political and economic crises faced by the countries in the area. Under these regional accords, a plan was defined for Nicaragua, which included amnesty for political prisoners, a call for open elections, maintenance of the rule of law, and the voluntary demobilization of the Nicaraguan Resistance troops.

The implementation of this plan made it possible to hold the 1990 elections, in which international observers participated on a massive scale. The UNO victory and the Sandinistas' acceptance of their defeat made possible a peaceful transfer of power to the President-elect, putting an end to eleven years of revolution. The specific objective of the new government was to bring peace and reconciliation to the country, strengthen representative democracy, reduce the size of the army and bring it under civilian control, and open up the economy.

The period begun in 1990 featured a transition agreement between the new government and the Sandinista opposition, based primarily on issues related to property and the army. As a result of this pact, the property that had been confiscated and redistributed during the revolution was kept in the same hands, and the army's internal structure of command was maintained.

But the agreement between the Government and the Sandinista opposition caused a split within the administration. The Vice-President at the time, Virgilio Godoy, and most of the deputies and mayors elected by UNO, including the Mayor of Managua, Arnoldo Alemán, were openly critical of the Government's policy of conciliation, which led to a break between President Barrios de Chamorro and the alliance that had brought her to power. UNO therefore went into opposition once again, believing that the agreement with the FSLN contravened the original platform of the coalition.

Despite UNO's accusations, relations between the administration and the Sandinistas were far from harmonious. During the new President's term, sharp disputes broke out between the

Government and the FSLN, which frequently ended in strikes and riots. This created a significant degree of instability.

Both UNO and FSLN suffered major splits during this period. In the former, disagreements over the attitude to take towards the new government led to the disintegration of the official core group. In the latter, differences over how much blame the FSLN should shoulder led a number of leaders to split off in 1994. This splinter group formed the Sandinista Renewal Movement (MRS). The dissident groups, known as “renovators”, advocated the need for extreme self-criticism. This represented a change in the party’s position on property, economic policy, and human rights, in opposition to the so-called orthodox elements, which favored more moderate self-criticism.

Constitutional reform

The constitutional amendments approved by the National Assembly in 1995 made great changes in institutions and in the electoral system.

Institutionally, the reform substantially altered the distribution of powers among the branches of government, reducing the powers of the Executive and expanding those of the Assembly, primarily in the areas of taxation and administration. In this respect, the constitutional amendments established a weakened presidential system without going so far as to create a parliamentary system.

In the area of electoral affairs, the reform gave the Supreme Electoral Council (CSE) the status of a branch of government, so that it became the country’s highest electoral authority and its decisions on electoral matters were no longer subject to appeal to another branch.

The reform also provided for a second round of elections when no presidential candidate receives 45 percent of the votes; the separation of the elections for the various public offices, i.e., President and Vice-President, national deputies, departmental deputies, deputies to the Central American Parliament, mayors, municipal councilors, and members of Regional Autonomous Councils; and a system of exclusions (“inhibitions”) applicable to presidential candidates. This last reform prohibits the candidacy of persons who are related to the fourth degree by blood or to the second degree by marriage to anyone who has served or is serving as President during the term in which the elections are held; persons who have held certain public offices and failed to resign from them one year before the elections; persons who have ever renounced Nicaraguan nationality; and persons who have not resided in Nicaragua continuously during the five years preceding the elections.

The amendments touched off heated debates between the Executive and the Assembly, to the point that after the legislature had approved them the President refused to publish them. This left amendments dangling, because they could not take effect unless they were officially published. Faced with this situation, the leaders of the Assembly ordered their publication, which the Executive termed illegal. For a while the two branches of government were following different

constitutional provisions: one following the previous Constitution and the other the new amendments. Finally, the crisis was resolved through the mediation of the Cardinal Archbishop of Nicaragua and the parties agreed on a framework law that left many of the reforms pending until the new administration took office in 1997.

3. The election campaign

Observation of publicity and advertising campaigns

The Mission followed the election campaign constantly by direct observation of public events and by continuous contact with the political parties. Altogether, 209 campaign activities were observed throughout the country, in most of which presidential candidates participated (see Table I).

Table I
Events Observed by the Mission Delegates

REGIONAL OFFICES	EVENTS OBSERVED
Matagalpa	72
Juigalpa	25
Leon	60
Managua	52
Total	209

The members of the Mission noted that the political parties had complete freedom to circulate their manifestos and present their candidates, and that all the activities observed were carried out peacefully.

The prevailing security, and the widespread respect for fundamental rights and guarantees, such as freedom of the press, organization, assembly, and speech, all contributed decisively to maintaining a climate of general calm. There were no serious acts of violence, physical or verbal. Although speakers from the two main parties exchanged accusations of various sorts, a tone of moderation predominated and the rivalry did not lead to real confrontation. The departmental electoral councils generally avoided issuing permits for simultaneous events in close proximity, so that groups of sympathizers of opposing parties did not congregate in the same place at the same time. The use by the National Police of a 1924 regulation that calls for presenting a security bond in advance of an election event, to cover any damage to public or private property, helped to preserve the peace.

Other factors influencing the election campaign

The atmosphere of greater tolerance was also seen in various political agreements, especially concerning electoral ethics, in which the signatories pledged to observe certain basic procedural and programming commitments. The most important was the Electoral Ethics Commitment, which established an agreement regarding the rules of the electoral process and the behavior to be observed by the parties. This agreement was the idea of the CSE, and the Chief of Mission served as honorary witness. Later, the so-called Minimum Agenda was signed, which established various procedural aspects of governance, as was a document referring to election problems in the Atlantic Coast region. Although the last two were not signed by all the candidates, they evidenced basic general areas of agreement on the procedural aspects of the process.

Among the more important sources of tension were the public opinion polls, which began to show that the difference in voter support for the candidates of the two main political parties was narrowing. According to the polls, the difference was significant in the beginning, and so the initial stages of the campaign took place in a relaxed, tolerant atmosphere. Later polls, however, showed that the gap had narrowed considerably, and this created a climate of uncertainty and caused a polarization of the political positions. Another important source of tension was the appearance of advertisements by the association of persons affected by the Sandinista property confiscations, which made critical references to the FSLN.

Another element of potential political tension was the challenge against 91 polling stations in regions where there had been armed conflict between Sandinista Government troops and members of the Nicaraguan Resistance. The complaint was filed by a group of parties headed by the FSLN, which claimed that the area was not safe enough to campaign in. This situation had a precedent in 1994, in the partial elections in the Atlantic Autonomous Regions, when the FSLN challenged various polling stations because it believed that its conditions there were not safe for their campaigners. It should be noted that the CSE denied the petitions on both occasions.

4. The media

In Nicaragua, as in other countries in the hemisphere a few decades ago, most newspapers belong to or are at the service of a particular party or political leaning, so that what they publish reflects primarily a partisan position or the political and/or financial interests of their owners.

Given the politicization of the Nicaraguan press, and its considerable importance as an electoral sounding board, the Mission designed a work plan that would enable it both to observe the political impact of the media on the election process and to establish a smooth relationship with their representatives. This was accompanied by a thorough monitoring of the information carried by the media that could in any way interfere with the electoral process and/or the Mission's business.

The Mission visited and observed a total of 67 radio stations, 14 VHR and UHF television channels, and 5 publications, and interviewed approximately 300 persons, including media directors and owners, election officials, and the public at large, in 10 departmental capitals and 40 municipalities that had one or several audiovisual or print media.

Election campaign

The Election Law and the Regulations on Electoral Ethics govern the dissemination of election propaganda, with a view to promoting civic and ethical behavior on the part of the politicians using the media and to establishing the latter's responsibility. To observe the extent to which these regulations were being followed, the Mission monitored the behavior of the media operating in the main towns and municipalities in 17 departments. The Mission also wanted to get a clear idea of the structure, scope, tendencies, and operation of the media in the interior of the country, where they--and especially the radio--exert a significant influence.

In general terms, it may be said that the politicization of the media in Nicaragua can be seen most clearly in the interior. A large number of the radio-station managers, owners, and journalists were running for office or were party activists. This gave a bias to the electoral information they broadcasted, even though they defined their stations as politically independent.

None of the media observed or visited by the mission respected the times for political advertising established in the Election Law. Instead, they generally followed the free-market rules of supply and demand. All the broadcasting stations observed, either accepted or indicated a willingness to accept advertising from any party, whatever its political leanings, as long as it had the money to pay.

5. Views of the political parties

One of the priorities on the Mission's agenda was establishing contacts with the leaders of the political parties participating in the elections. The Mission therefore drew up a schedule of meetings with representatives of the 35 legally constituted parties, to inform them of the objectives of the Mission and provide an opportunity for an exchange of views on various aspects of the electoral process, such as the political climate, procedures for issuing identity cards and for registration, the preparation and checking of the electoral register, the reform of the Election Law, the population census, the behavior of the election authorities, and any irregularities observed.

Following are the comments most frequently voiced by the party representatives interviewed:

Political climate: The representatives of the political parties agreed that the conditions for free and transparent elections in the country were present, although some criticized the inequality of campaign financing among the parties. These critics considered that the delay in the

government payments for campaign expenses created unfair competition, favoring the richer political groups. Some of the persons interviewed also believed that some record should be kept of financial contributions to political parties from foreign sources. Virtually all the party representatives expressed their satisfaction at the Mission's presence in the country. They spoke of the importance of international observation of these elections, given the complexity of the election process and the great diversity and number of parties participating in it.

Ad hoc registration: The party representatives indicated that they were satisfied with the decision on ad hoc registration of the inhabitants of the 26 municipalities covered by it (see Part III, sections 1 and 4). They said that every effort should be made to enable all citizens to exercise their right to vote. However, some of them expressed concern over the absence of national government institutions in the region, and they supported the deployment of the armed forces and the police to guarantee security for the citizens. For some, the civic certificate, the document issued during this procedure, did not provide sufficient guarantees. Some expressed the fear that the ad hoc registration process had been designed to prevent the inhabitants of the 26 municipalities from receiving identity cards in the future. Most of them mentioned the lack of an effective publicity campaign to describe the process to the residents.

Identity cards: A number of the representatives interviewed expressed concern over what they called "the lack of transparency in the process" of issuing identity cards. Some felt that the processing of applications was unreliable, since many voters had not received their documents even though they had carried out the relevant formalities several months in advance. Several expressed the fear that vast sectors of the population were being left out. Some believed that instead of issuing identity cards, there should have been a national ad hoc registration process for these elections, while others were of the opinion that the responsibility for issuance of identity cards should not have been left in the hands of the CSE. A number of people expressed a distrust of the so-called "substitute document". The persons interviewed asked the Mission to observe the identity card certification process very closely, since, in their opinion, the delays in making up and distributing the cards would mean that various voting papers would have to be used simultaneously, and this would in turn cause serious problems on election day.

Reform of the Election Law: Many of the persons interviewed supported Article 41 of the Electoral Law, which permits citizens whose names do not appear in the electoral register to vote. Some opposed it, however, saying that it could contribute to widespread fraud. For others, such situations could be averted by establishing strict control measures, such as punching the identification document at the time of voting. Some indicated that the changes in the Election Law had been made to favor certain groups. Most agreed that there were important gaps in the existing election rules, which could be filled by amending the law.

Activities of election officials. Most of the persons interviewed expressed confidence in the work of the election authorities, although many criticized their failure to observe the timetable. Some complained about the decision to allow the elections to take place using the combined registration system, and criticized the delays and lack of coordination of the CSE in notifying the parties. Other criticism referred to a lack of information on the criteria used to determine the

location of the polling stations, the delays in distributing the register among the political parties, and the delays in naming the members of the departmental electoral councils.

Territorial disputes. Most of the persons interviewed expressed the hope that the problems of municipal boundaries would be solved by amending the law on political administrative divisions, although some said that they did not know what the disputes were about. Some believed that territorial disputes should be solved using a geographic scheme by department, while others were of the opinion that the present boundaries should be kept.

Population census. According to most of the persons interviewed, the census taken by the Nicaraguan Institute of Territorial Research (INETER) had many serious defects and did not reflect the current population figures. They believed it had been poorly designed and executed, since the census takers did not visit all the households in the country.

Other matters. A number of the persons the Mission met with asked it to do a “quick tally” on election day, which they felt would be an important guarantee of the transparency of the election. They believed that the Mission should be large enough to cover the entire country. They also expressed their support for efforts to develop a national observation structure.

The Mission carefully analyzed the proposals and concerns raised by the political parties, and took a number of them into account in drawing up its work schedule and in preparing the proposals it submitted to the election authorities during the electoral process.

The Mission’s relations with the political parties were smooth and constant, and there was a mutual willingness to meet whenever necessary to discuss various aspects of the electoral process. However, the Mission noted that the parties did not always become very deeply involved in many of the most important problems. In some cases, their involvement was late and limited, not enough to correct or prevent some of the negative aspects of the scenario during and after the elections.

6. Scenario in the departments

To make sure that the Mission’s objectives and activities were generally known, and to gather the impressions and concerns of various participants in the electoral process in the interior of the country, the Chief of the Mission toured the country from August 22 to September 19, 1996, covering 12 of its 17 departments.

Working sessions were held with local officials--mayors, election officers, representatives of the army and the police, church representatives, and representatives of the various political groups. First the Chief of the Mission would explain the OAS role in election observation, focusing on its mandate in the Nicaraguan context, and then there would be a question-and answer period, during which the guests raised a wide range of concerns about the election process.

This tour gave the Mission a detailed and realistic knowledge of the problems and nuances of the election process in the interior of the country, and enabled it to include the concerns of the people there on its work agenda.

Delivery of voter-identification documents. Contacts by the Chief of Mission with local political leaders and representatives revealed uneasiness and discontent among the people over the way in which voting documents were being issued. In most cases, the complaints had to do with the slowness of the process, errors in voters' names and addresses, the poor quality of the photographs (they were actually printed digital images), and the disadvantages of the home-delivery system.

Confusion over the voting documents. Some of the meetings revealed confusion over the number and types of valid voting documents. Some of the persons in attendance expressed doubts as to the role of the “stubs” issued during the verification process and the “civic certificates” used in the previous elections. In some cases people were found to know very little about the role and meaning of the so-called substitute document. The Mission took careful note of this situation and later used some of these statements in preparing its recommendations to the CSE.

Fear of election fraud. Most of the people who spoke with the Chief of Mission expressed doubts and fears about the transparency of the electoral process. Many party representatives, including those from the two main parties, repeatedly voiced fears that fraud was being organized to tip the election results in favor of their opponents.

Complaints regarding the electoral process. During the meetings, there were many complaints over presumed irregularities committed during the various stages of the electoral process. Many of them had to do with the staffing of the polling stations. Complaints about the lack of a civic education campaign geared to the people were also heard.

Campaign financing. The political party representatives persistently expressed concern over the delays in distributing the government funds allocated to the campaigns.

Complaints among the parties. During the meetings, some of the party representatives lodged complaints against other parties.

PART III

Technical aspects of the election

1. General considerations

In 1993, the Supreme Electoral Council embarked on an ambitious plan to issue identity cards to Nicaraguan citizens. Its objective was to give people a single document that would enable them to vote in the 1996 elections under a system based on a permanent electoral register. To modernize the system, the CSE received financing from the international community, primarily from the Spanish and United States governments.

Previously, the Nicaraguan voting system had been based on so-called ad hoc registration, which consisted of making up a temporary register, known as a manual catalogue of voters, which was then discarded after each election. To be able to vote, citizens received a document called a civic certificate, which could only be used for that election.

But the CSE was unable to meet its objectives. In a group of 26 municipalities in the northern fringe and the central part of the country, the identity cards could not be issued because of security problems, the difficulty of reaching some areas, the fact that a large proportion of the citizens did not have the documents they needed. Voters in those regions, therefore, had to be registered using the traditional ad hoc system based on manual voter catalogues or lists. In the remaining municipalities, meanwhile, the process of issuing identity cards was only partially completed. By October 20, 1996, more than half of the voters in the country had not received their identity cards for various reasons, including the poor quality of the data in the civil registers, the loss or alteration of information during the war, the lack of institutions in some areas of the country, and the existence of ancestral customs governing the use of first and last names, not to mention the limited installed capacity of the CSE to manage and execute such a process.

The failure to meet the original goals of the identity-card plan had a considerable impact on the electoral process. In the first place, the October 20 elections had to be held using a combined register, which contained some elements from the manual list based on ad hoc registration and some from the mechanized list based on a permanent register. This situation meant that there were three different types of voting documents: the traditional civic certificates in the 26 central and northern municipalities and either identity cards or temporary substitute documents in the rest of the country. According to Article 32 of the Electoral Law, the substitute documents were supposed to be issued to citizens who had any sort of registration problems and could only be used for the October 20 elections, but in practice they were also issued to citizens who did not have registration problems but were unable to obtain their identity cards in time because of delays in

producing and/or distributing them. It is worth noting that the three types of voting documents were the result of the reform of the Electoral Law passed by the National Assembly at the proposal of the CSE.

The fact that there were three voting documents meant that there were three different sets of information, three data-base designs, and three administrative and computer processes involved. The record of citizens with identity cards was subject to the strictest quality controls, so most of those registers contained no serious errors. The records based on the substitute documents, however, were never checked from the beginning of the issuance of identity cards in 1993 up to the time the documents were issued in September 1996, so controls on the entry of data were less stringent. The record of civic certificates, meanwhile, was put together by hand, so the quality of its data was also defective.

The existence of three data bases created many technical and administrative problems. To perform quality controls, for instance, the information contained in the three different records of the electoral register had to be cross-checked using computer programs that were difficult to design. To make up for the lack of experience of CSE technical staff in handling such situations, the election officials requested technical assistance from the Spanish Government and the Election Promotion and Consultation Center (CAPEL).

The lack of adequate quality controls on the files of substitute documents and civic certificates was reflected in numerous errors in the electoral register, mainly in voters' names. Because the so-called "verification of the electoral register" was not adequately performed, there were also a number of multiple entries--cases in which the same person was listed in two or more records. The "Soundex" system, which checks not only for the same names, but also for similar ones, had to be used to purge these records, and in August, 89,000 possible duplicates were found. Later this figure was reduced to 36,000, but since no one could decide what to do with them, they were eventually included in the final register.

In view of the complexity of the Nicaraguan electoral process, certain programming routines could not be anticipated, so specific programs had to be designed to correct errors or to add routines that were not originally contemplated. Since the programs were set up at the last minute, they could not be tested, and in some cases they produced errors that affected the ultimate quality of the register.

2. The electoral register

The final electoral register was completed on October 19 at 6:00 a.m., one month after the deadline specified in the Election Law and one day before the elections. A total of 2,420,767 voting documents were issued, 44.13 percent of them substitute documents, 41.23 percent identity cards, and 14.64 percent civic certificates (see Table II). The official registration data provided by the Informatics Bureau of the CSE after the elections showed 2,421,067 voters, that is, 300 more than the figures published before the elections. The Mission could not determine the reason for the difference.

Table II
Documents Issued on October 19

Identity cards	998,123	41.23 %
Substitute documents	1,068,189	44.13 %
Civic certificates	354,455	14.64 %
Total	2,420,767	100. %

Verification of the preliminary register

Between June 1 and July 22, the CSE conducted the “verification of the electoral register”, which consisted in opening the places that would serve as polling stations on election day to permit the correction of any errors in transcribing data and the entry of any changes of domicile.

Because of organizational problems, insufficient training of the staff members of the polling stations, and very limited publicity about the objectives of the plan, a large number of citizens went to the wrong polling stations to check their records. When the staffs could not find these people on their lists, they automatically added them, so that when the Data Processing Department received the change, it took those citizens off the lists of the correct polling station and transferred them to the one to which they had happened to go to check their records. Many citizens were unaware that the change could only be made at the polling station for their district, and the members of the polling stations were not trained well enough to avoid such errors and give appropriate guidance to the voters. Although there was no official data on the information processed during the verification procedure, the Mission believes that a considerable number of changes were made during that period.

This verification stage generated a new set of problems for the preparation of the final register, since the errors introduced had to be corrected by means of a new verification operation--this time called a “comparison of the register.” Since large groups of voters had been omitted from the verification process, the effects of the errors introduced into the register during that exercise were somewhat limited. The groups left out included the 150,000 citizens who had requested their identity cards between May 2 (the date on which registration was interrupted for verification) and July 22, the roughly 160,000 who were not entered in the verified register because of technical errors, the 354,445 registered under the ad hoc arrangement, and the 1,068,189 who had the substitute document. This came to a total of approximately 1,732,000 citizens, or 72 percent of the registered voters.

Publication of the register

Once the register had been verified, the CSE published it in two stages: a preliminary register and an additional listing. According to Article 35 of the Election Law, the preliminary register was to be distributed to the political parties, together with the maps of the polling stations, at least ninety days before the elections. In practice, they were issued, incomplete, one month after the deadline. The additional list, which was supposed to be distributed on August 31, was not issued either, and instead a complete register was distributed around September 20.

In accordance with Article 38 of the Election Law, citizens were supposed to submit any objections to the electoral register within 30 days of its publication. The election timetable, which was revised on August 6, had set aside the period from July 23 to August 22 for this. In view of the delays in publishing the register, the failure to give it the proper distribution, and the fact that no posts had been set up for the receipt of objections this phase was not completed on schedule.

Comparison of the register

The second verification process, called “comparison of the register,” was carried out in the municipalities from around August 15 to September 9. The procedure adopted consisted of sending copies of the applications for identity cards to the municipalities for review and cross-checking by the local election officers. To perform this work, the CSE sent out, along with the copies of the applications, the electoral registers for each polling station, and added at the end a list of deletions, i.e., of citizens who had been removed from that polling station and placed in another one, and a separate list of additions, i.e., of citizens who had been added to that polling station. With this information, the municipalities were supposed to review the registers of each polling station, note the appropriate changes on the form used during the verification process, and send the updated version back to Managua. Any omissions were to be reported by sending a copy of the application for the identity card, so that the record would be destroyed.

Since the forms used during the verification exercise had run out in several municipalities, much of the information was reported directly on the application, in the register, or on additional sheets. Furthermore, the list of additions was not sent in most cases, and this meant that only a partial check or none at all was performed in those municipalities. Because of a programming error, the lists sent to the stations omitted some data, such as the voter's place and date of birth. The municipalities, however, were not alerted to this error, so many gathered these data and sent them again, assuming that the information was missing. It is not known whether the data were entered once again in the records of the CSE's Informatics Bureau.

Problems in organizing the material sent to the municipalities also caused many delays in implementing the plan. Copies of the applications, which were supposed to be arranged alphabetically, actually arrived in a state of disorganization, so that the municipalities had to spend a considerable amount of time arranging them (in the municipality of Managua, for instance, it took over a week to classify the copies of the applications). In some municipalities, the documents were incomplete when they arrived (in Siuna, RAAN, for example, out of 22,000 applications, only 7,000 arrived). In other cases, the documents were sent to the wrong municipality (Puerto

Cabezas, RAAN, received 200 applications from Matagalpa), or simply were not sent (Waspan, RAAN).

According to the Mission's data, the mistakes discovered during the comparative check of the register ranged between 500,000 and 600,000. The total estimated number of omissions amounted to 140,000. Because of a lack of information, it was hard to determine at first whether these were actual omissions, i.e., of citizens who had filled out their applications for identity cards but whose names did not appear in the register, or were simply due to persons transferring from one polling station to another. In the end, most were found to be attributable to the latter cause, and so actual omissions only amounted to around 12,000. It is not known whether those voters were eventually included in the final register.

In many cases, the changes introduced during verification involved changes in departments: citizens from one department frequently appeared on the lists of another. Residents of Juigalpa, Boaco, and Estelí were found in District V in Managua, for example. The precise number of such errors could not be accurately determined.

It should be noted that the comparison check was done so hastily that the errors in the register lists could not be corrected, as was confirmed later during the mass distribution of voting documents.

Effects of the comparison

The comparison had important effects on the electoral process. Since it had not been scheduled as part of the election timetable, it caused a series of delays to other parts of the process, such as the issuance of the substitute documents, which in turn delayed the plans for distribution.

The comparison also delayed the preparation and distribution of the final register. According to Article 40 of the Election Law, the final register was to be published and distributed to the polling stations 30 days before the elections, or by September 20. However, the distribution did not begin until October 8, and the register was later amended several times.

In addition, as a result of various omissions discovered during the comparison, more than 200 polling stations exceeded the 400-voter limit imposed by law, so they had to be split up, as many as four times in some cases.

Audit of the electoral register

As has been mentioned, errors in the electoral register, many of which were not corrected during the verification and comparison, came to light once again during the plan for the mass distribution of identity cards and substitute documents. Both the political parties and the international observation agencies, including the Mission, expressed their concern. The CSE

decided to conduct an internal audit of the register, which was assigned to CAPEL, CSE's advisory institution, and observed by the Mission.

The purpose of the audit was to determine whether the register was accurate enough to be used as an effective support for the October 20 elections. A series of factors was taken into account, such as the existence of two types of registers, manual and mechanized, and the nature of the Nicaraguan Election Law, which permits citizens to vote under a wide range of conditions, including errors in their names and in some cases even when their names are not in the register. Under the election legislation there are essentially two circumstances in which citizens are not permitted to vote: if they do not possess a document authorizing them to do so, or if they do but are not in the register and the address given on the document is not in the district for the polling station to which they belong. The former case was outside the scope of the audit performed on the register; the latter case was checked, however, and was the most important factor in the results of the audit.

The conclusions of the internal audit, distributed to the political parties on October 19, show an error rate of 10.2% in the register of voters with identity cards and 14.9% in the ad hoc register. In view of the flexibility of the Nicaraguan Election Law, which would allow most of the errors detected to be validated, and the tacit acceptance of the audit report by the political parties, it was concluded that the register met the basic requirements to serve as a basis for the election.

The Mission issued a report on October 15 in which it agreed with this assessment, saying that despite the high incidence of critical errors, the error rate could be considered acceptable under the laws in force, and so the register should be regarded as a valid and legitimate instrument for the October 20 elections. The Mission added that the CAPEL statisticians had used an appropriate methodology and that the results of the sample could be considered representative of the total register of voters. It also mentioned the support offered by CSE technicians during this process and the fact that they had worked transparently and honestly, without attempting to hide internal problems involving disorganized records or inconsistent data.

3. Issuance of identity cards and distribution of voting documents

The card-issuing process began when a citizen went to the civil registry in his municipality and filled out an application. The municipal officials then checked the information on the application against their own records. If it matched, the application was forwarded to the Identity Card Department, where it was entered in the record of registered citizens so that the card could be made up. If a problem was uncovered, the application would be sent to the Informatics Bureau, where it was entered in the record for substitute documents.

If a citizen with problems in his records took the legal steps to correct them, the process would begin all over again. However, when his application was entered in the record of citizens with identity cards, his name would be recorded once again, creating two entries. Later, when the records were cross-checked, the data would be regarded as belonging to two different persons, so

the same person would generally receive both an identity card and a substitute document. This was the reason for the large number of duplicate entries detected later in the electoral register.

From the application for an identity card to its delivery took at least three months although in some cases it could take more than a year. Delays of this sort contributed to a climate of distrust in some sectors of the population, which attributed them to attempts to exclude activists from particular parties or groups. The Mission conducted a rapid investigation into some of these cases, but found no reasons for the delay other than problems with the checking processes.

Distribution of documents

The distribution of identity cards and substitute documents took place in several stages. The standard procedure was home delivery by the municipal election officials. Between May 5 and August 23, 395,398 documents were distributed using this procedure, an average of 3,595 a day.

Around the middle of July, however, it became apparent that the home-delivery system was not adequate to complete the distribution before October 20. According to CSE forecasts, 36,898 documents would have to be distributed every day between September 17 and October 19, 34,000 more than the daily average number it had maintained through the home-delivery system and far in excess of the CSE's installed capacity.

The Mission expressed its concern on the subject to the Council authorities and recommended a different strategy. The plan worked out by the Mission suggested suspending the production of identity cards on July 22, immediately issuing substitute documents, and starting a mass distribution that would extend until October 19.

Mass distribution plan. To ensure the distribution of the voting documents, the CSE adopted a plan for the mass distribution of identity cards and substitute documents between September 9 and 22. The plan, however, was set back by two delays and two revisions in the timetable, and so it actually began three days after the last of these dates and ended on October 8. The reasons for the delay were administrative, including the hiring of the necessary personnel.

The mass distribution plan consisted of sending out the still-undelivered documents to the places where the polling stations would be operating on election day. There, specially hired workers would be in charge of distributing them to the voters belonging to those voting precincts. The implementation of this plan required an enormous logistical effort, since it entailed opening all the polling stations throughout the country, on a staggered basis, and the employment of approximately 15,000 persons.

The mass distribution plan was a success, thanks to the efforts of the election authorities and the specially hired CSE staff, to the publicity given to the operation and the logistical support provided by the Executive Branch. The employees in charge of the polling stations generally

visited every voter in their districts, often two or three times, to notify them that their documents had arrived. During this operation, 972,679 documents were delivered, 74.44 percent of the total voting documents distributed during the electoral process.

Table III
Mass Distribution Plan
Total documents produced and distributed

Identity cards produced	1,008,411
Substitute documents produced	1,050,802
Identity cards distributed during the plan	208,372
Substitute documents distributed during the plan	764,344
Total documents distributed during the plan (identity cards and substitute documents)	972,679 (74.44%)
Total undistributed documents (identity cards and substitute documents)	334,036 (25.56%)

“Citizen days”. Although the mass distribution plan had succeeded in reducing the number of undistributed voting documents to 25%, this was still considered too high; it meant that a considerable number of citizens--333,994 persons--remained without voting documents, and their participation or failure to participate in the elections could affect the results. To reduce the number of undelivered documents to a minimum, the CSE decided to mount a new mass distribution plan. The new plan, which was carried out from October 11 to 13, was called “Citizen Days,” and a large number of additional documents were distributed then.

To carry out this operation, 500 teachers and 12,000 students were employed to distribute notices to voters who had not yet picked up their voting documents to do so. In some departments, the operation was accompanied by the music of high-school and municipal bands, who paraded through the streets of the main towns carrying posters and banners urging the people to participate in the October 20 elections.

Final phase. After the “Citizen Days,” the departmental electoral councils continued distributing documents from door to door until the day before the elections. The distribution procedure during this final phase was decided at a meeting with political party representatives convened by the CSE. Three options were presented at the meeting: distribution via the polling stations up to October 20; distribution from house to house and/or through the polling stations up to October 17, with the remaining documents stored in the vaults of the Central Bank on October 19; or distribution from house to house and/or through the stations up to October 18 with the remaining documents stored in the departmental election offices. It was unanimously decided to take the second option, even though, as was said above, the distribution of documents continued in practice until October 19, and the fate of the remaining documents and identity cards remains unknown.

On the afternoon of October 19, a voucher called simply a “substitute” was issued in some municipalities to voters who had not yet received their documents. It was said at first that these vouchers would be sent from Managua signed by one of the CSE magistrates. At the last minute, however, the CSE sent the papers unsigned and authorized the municipal officials to issue them with their own signatures. To legalize the use of these vouchers, the CSE issued a resolution instructing poll workers to accept them as valid.

The distribution of the documents in the last phase of the process progressed rapidly, to the point that by October 20, 95 percent of the total voting documents had been distributed. If account is taken of the fact that a considerable proportion of the undistributed documents were for voters who were out of the country, ill, in prison, or dead or who refused them--some people would not accept substitute documents--then the actual percentage of voters without documents by election day was minimal. It can therefore be said that the CSE made a genuine effort to distribute voting documents to the entire population, and that this effort met with success.

4. Ad hoc registration

The ad hoc registration process took place on weekends from June 1 to July 8. Its purpose was to register the inhabitants of 26 municipalities in the northern and central parts of the country who, as was mentioned in section III.1, had not been issued identity cards. During this operation, 359,856 persons, 14.87 percent of the national total, were registered; 147,753 the first weekend, 164,260 the second, 42,856 the third, and 4,987 the fourth.

Characteristics of the process

The municipalities where ad hoc registration was carried out are hard to reach, densely populated, with little in the way of infrastructure and government institutions. These were the places where the armed confrontations of the last decade had occurred and where most of the people who had been displaced, repatriated, and demobilized by those conflicts, had recently been resettled.

The ad hoc registration process was preceded by a climate of political distrust; some sectors accused the CSE of deliberately excluding these municipalities from the regular certification process because their inhabitants were likely to vote against the Sandinistas.

The plan to register the residents of those municipalities also created some fears about security in the area, mainly because of the presence of armed groups. Those fears, however, turned out to be unfounded; no incidents occurred that directly or indirectly affected the voting centers. The kidnapping of an official from the United States Agency for International Development (AID) during the first weekend, and of various members of polling stations in Wiwilí, Matagalpa, over the second weekend, were for the purpose of making election demands: among other things, the kidnappers wanted more polling stations in the area and the relocation of some of them so that people could get there more easily. These problems were quickly resolved

during mediation by members of the OAS International Support and Verification Committee (CIAV-OAS).

Voter registration drives

In accordance with articles 44 to 60, Chapter III, of the Electoral Law, 709 polling stations were set up in municipalities where there was ad hoc registration. Citizens were supposed to go to the polling place for their electoral district with their identity cards (if they had a previous one from another department), driver's licenses, passbooks from the Nicaraguan Social Security Institute (INSS), or passports. If they did not have any of these documents, they could register by presenting two suitable witnesses who would swear to their identity. The election officials would then enter them in the proper catalogue of voters and copy the data on the so-called "data support sheet." This sheet was later sent to the CSE Informatics Bureau, where the data were entered in the ad hoc records.

This operation was initially supposed to be carried out on two consecutive weekends, June 1 and 2 and June 8 and 9, with the possibility of extension. The discussion about extending the ad hoc registration period was related to the number of voters in the area. According to the national population census of September 1995, the region had 282,000 persons over 16 years of age, but some groups put the figure at 400,000. Given this uncertainty, the Mission made a statistical projection and obtained a figure between 325,000 and 350,000, which was later corroborated by the results of the registration program.

After the first two weekends, since there were clear indications that a large number of citizens had not yet been registered, the Mission and other international observation organizations asked the CSE to continue the exercise on a third weekend. After that, the Mission believed that there might still be 2 to 3 percent of the population in the area who were not registered, and so it suggested the possibility of having a fourth registration period for 14 polling stations in areas that were difficult to reach. The CSE welcomed the suggestion, and opened registration at a total of 47 stations for a fourth weekend.

Observation by the Mission

In view of the political importance of the ad hoc registration, the Mission observed all its phases in all 26 municipalities, sending out 30 observers based at three regional offices--Matagalpa, Juigalpa, and Jinotega. During the operation, the observers visited 907 stations set up in the region for a total of 1,224 visits. Of these, 711 were to rural polling stations and 513 to urban stations.

On its 1,224 visits, made during the first three weekends, the Mission observers discovered problems at 184 stations, or on 15 percent of their visits. The most common problems included late opening, a lack of trained poll station workers, and shortages of materials. In the course of

the four weekends, however, the problems diminished. The Mission also noted the atmosphere of freedom that enabled people to go to the polling stations without hindrance of any kind.

The number of voters registered exceeded the figures given in the 1995 population census by 124 percent, for a total of 359,856. The underestimate of the potential number of voters in the region was an important reason for the underestimate of the amount of materials and resources needed.

The registration of more than 350,000 citizens was an important achievement in the course of the electoral process. The main reason for this success was the democratic tendency of the Nicaraguan people, who responded massively to the appeal by the CSE. The CSE's participation was also decisive; the agency made a real effort to respond to the problems detected during the various registration drives, which were gradually corrected during the subsequent ones to the extent that the internal organization of the electoral agencies permitted. Finally, the support of the international community also helped, since the monitoring done by the observation agencies contributed to the unanimous acceptance of the validity and transparency of the process.

In view of its characteristics, the ad hoc registration was a valuable testing ground for election day.

5. Election logistics

This analysis of election logistical support is in five parts: the distribution of election materials; formation of the polling stations; election training; the siting of the stations; and civic education.

Printing and distribution of election materials

Printing of the ballots. Pursuant to the Nicaraguan Government Contracting Law, the CSE submitted the printing of the ballots to public bid. After a long process, it shortlisted two companies, Industrias Papeleras S.A. (INPASA) and Editorial El Amanecer. It should be noted that at the request of CSE, CAPEL made a technical evaluation of some critical matters and recommended that the job be divided between two printers. It suggested that if this option was not feasible, consideration should be given to the possibility of sending the work to another country in the region. However, this assessment was rejected by the CSE, which issued a resolution concluding that only one of the bidders met the requirements and granting the contract to INPASA.

INPASA was more than 20 days late in delivering the ballots. According to the original contract, they were supposed to be ready on September 25. By October 13, only 13,295,268 had been printed, which, when added to the 2,025,000 ballots for the offices of mayor, council members, and deputies for Managua Department, put the total at 15,320,268, leaving 399,732 still to be produced. INPASA management announced that the remaining ballots would be ready by October 10, but they were not, so at the last minute some previously discarded material had to be used and the printing of the ballots for Managua Department had to be postponed until October 19.

The Mission members later learned that just hours before the elections, the ballots for that department had still not been printed in their entirety.

The political parties adopted a passive attitude for the most part, refraining from playing an active role in supervising and controlling the ballot production process.

The printing problems related partly to the limited installed capacity of the company, an initial underestimation of the amount of paper needed, and inadequate supervision of the process by the company's technicians and the CSE representative in charge.

The distribution of election materials to voting centers was also deficient. By the 17th, three days before election day, the CSE had sent out only 451 packets of materials, 5 percent of the total of 8,995. The problem was resolved at the last minute, when the CSE asked the army to assist. The army quickly took control of the situation and immediately began distribution. By the morning of Saturday the 19th, all the sacks of election materials, except those for the city of Managua had been distributed to the municipalities. This speed, however, was achieved at the cost of failing to review and check them. That is why so many arrived at their destination without enough ballots, with the wrong material and/or without the electoral register.

Packaging of election materials. The packaging and storage of the election materials was centralized in Managua to prevent them from going astray, as had happened in the 1990 elections. The election authorities issued specific instructions that the packages were not to be opened in either the departments or the municipalities. As a result, neither the departmental electoral councils nor the municipal offices had a chance to verify the contents or to check their quality in advance.

The packaging was affected by a series of regulations issued by the CSE. First it asked INPASA to deliver the ballots in packets of 250 units. However, it ordered that the number of ballots in the packets for the municipalities correspond to the exact number of voters registered at the place where the packets were to go, plus an additional percentage for citizens who might show up at the polling station even if they were not registered there, by virtue of Articles 41, 123, and 200 of the Election Law. This last provision meant that the people in charge of packing and distributing the ballots would have to open up the 250-unit packets provided by INPASA, count them in accordance with the decision CSE decision, and then repack them. This packaging, unwrapping, and repackaging had a significant effect on the logistics and added new delays to the distribution process.

Issuance of the electoral register. As was said earlier, the electoral register was issued about 30 days late. As a result of this delay, the electoral officials decided not to include it in the election packets, but to send it separately. Apparently this decision was not communicated to the people in charge of at least one of the storage sites, who kept telling the Mission observers that one of the reasons the packets had not been sent out was that the register was missing. The fact that in some cases the register was actually packed together with the rest of the materials added to the confusion.

Staffing of the polling stations

Under Article 25 of the Electoral Law, poll workers must be appointed by the departmental electoral councils from lists of candidates presented by the political parties. The staffing, according to this article, must be on a “pluralistic” basis: no polling station could have two or more members of the same political organization.

Owing to a number of difficulties, this rule was applied unevenly in most municipalities. In the first place, since the workers were to be paid, many persons signed up with different parties at the same time, which created various organizational and administrative problems.

In the second place, some of the representatives of the political parties complained of the distribution decided on by the election authorities, and demanded additional posts for their groups. Some denounced the distribution as a deliberate attempt to favor one political party or another to the detriment of the rest, in violation of the Electoral Law. In virtually all cases, these problems were solved by granting additional positions to the parties that complained.

A third problem was the limited educational qualifications of some of the candidates proposed. Since the parties were trying to present as many candidates as possible, they often recruited candidates without considering their educational level or ability to do the work. In some departments--although to a lesser extent--there were cases of people who had been included on the lists without their knowledge or authorization, or who decided at the last minute not to participate because of the low pay, or who refused to work at polling stations in remote areas that were difficult to reach. The councils solved these problems by supplementing the lists of candidates with persons appointed *ex officio*. In some departments it was observed that over 50 percent of the poll workers had been appointed *ex officio*.

The difference between the minimum age required to work at a polling station (18) and the minimum age required to vote (16) created another source of confusion: some parties named candidates who were not yet 18.

The staffing problems prevented some stations from being ready in time. In some cases, such as in Managua, the staffing process dragged on until election day itself. The delays in choosing poll workers also affected compliance with the timetable for training them, since the training workshops had to be reprogrammed and rescheduled on numerous occasions, and in the end many workers were left with no training at all.

The fact that the Election Law gives the political parties an important role to play in staffing the polling stations, calling on them to present lists of candidates to the CSE, requires the existence of a party apparatus capable of mobilizing tens of thousands of persons throughout the country in a relatively short period of time. This was something that most of the small parties could not do.

Election training

The training of election officials presented some problems. In the first place, as was noted in the previous section, not all the poll workers had been designated by the time that the workshops were supposed to be held, so the workshops had to be rescheduled various times. Over all, it is estimated that around 25 percent of polling- station staff did not receive any training, because they were appointed too late or for other reasons.

As for content, it can be said that the poll workers were adequately trained as far as the basic electoral mechanics were concerned. They received less guidance in handling more complex situations or unusual cases. In such circumstances, the workers as a rule relied on their own judgment. This explains why polling stations were opened in the afternoon of October 20 or why, in cases of a shortage of ballots, only in some instances were people allowed to vote using ballots belonging to other municipalities.

The vague wording of the manuals used in the training workshops caused problems of interpretation. The Mission was particularly interested in the section on the treatment of international observers. Because the text was ambiguous, an observer could be regarded as an interruption or obstacle to the electoral process. In some of the simulations performed during the workshops, the observers were presented in a negative way. In some cases, they were denied access to voting places. In others, people refused to give them any information.

Aware of the problems this could cause on election day, the Mission expressed its concerns to the CSE on various occasions. It also arranged for the coordinators of the regional offices to meet with the presidents of the departmental electoral councils, to tell them what the observers would be doing on election day, including the average time they intended to spend in each of the polling stations they visited. The cooperation of the municipal electoral authorities in this area was crucial to prevent greater problems on election day and to enable the observers to perform their work under normal conditions. If these steps had not been taken, and if the cooperation had not been provided, the election observation could have been seriously undermined.

According to the Mission's observations, many of the inspectors who worked on election day had not been adequately trained either. It should be noted that the CSE expressed willingness to cooperate with the parties in training their inspectors.

Location of the polling stations

Article 23 of the Election Law establishes a maximum of 400 voters for each polling station. For various reasons, a considerable number of polling stations had more. To correct this situation, the CSE proceeded to "split up" the stations where that limit was exceeded. This process, however, caused various upheavals. In the first place, the process of subdividing and relocating polling stations continued up to the day before the elections, which resulted in problems both for the municipal election officials and for the voters. In the second place, many of the

stations that had been divided up were a considerable distance apart, which led to delays and transportation problems, both for the voters and for the poll workers assigned to them.

Civic education

The civic-education campaign developed by the CSE during the pre-election phase was not altogether suitable to the needs of the election process. Frequently, it did not keep pace with or meet the demands of the various stages of the electoral process, and many of the subjects covered were left unclarified. The complexity of the voting, partly because of the use of six ballots, and the average time it would take were some of the topics that could have been easily explained in a suitable civic-education campaign.

As a result of the absence of an adequate civic-education program, a number of irregularities attributable to ignorance or to lack of training or guidance were observed on election day, among the voting population and among workers in the secondary-level election agencies.

It should be noted however that in some stages of the election process, such as the ad hoc registration, the civic-education campaign was generally effective.

The deficiencies observed in logistical support were due to a lack of proper planning and control. Because of the failure to set concrete objectives in some cases and faulty implementation of the plans that did exist, organizational problems kept accumulating until they eventually exceeded the CSE's operational capability to resolve. Furthermore, the electoral authorities had only relatively inexperienced personnel to cope with these problems, since the more experienced employees and officers had other work to do, such as distributing identity cards and substitute documents, auditing the electoral register, dividing up the polling stations, entering data into the register, and other tasks that had been left till the very end to be dealt with and solved on a massive scale. This congested schedule of work that had to be done all at the same time by the same people was a major reason for the problems encountered on October 20.

PART IV

Political aspects of the election

1. Registration and screening of candidates

The elections were governed by the new Election Law approved on December 5, 1995, following the constitutional reform that took effect on July 4, 1995. This reform established a series of conditions or restrictions, called "inhibitions," on the registration of candidates for President.

Pursuant to Article 89 of the Election Law, the CSE set a period of seven days, beginning June 1, during which the presidential candidates presented by the participating groups could be challenged. The requirements for filing challenges were established in an order titled: "Rules and Procedures for Qualification of Candidates Presented to the Supreme Electoral Council by Political Organizations Participating in the Elections." In this document, the CSE established that challenges could be presented either by political groups or by individual citizens, thereby expanding the provisions of the Election Law, which had restricted this power to political parties alone.

The presidential candidates challenged during this period were Antonio Lacayo, National Project (PRONAL); Alvaro Robelo, Nicaraguan Alliance (AN); Daniel Ortega, Sandinista National Liberation Front (FSLN); Sergio Ramírez, Sandinista Renewal Movement (MRS); Edén Pastora, Democratic Action Party (PAD); Haroldo Montealegre, Liberal Unity Party (PUL); Arnaldo Alemán, Liberal Alliance (AL); and Pedro Rafael Mayorga, Nicaraguan Democratic Alliance Party (PADENIC). Lacayo was challenged because he was related to the President; Robelo, Pastora, and Montealegre because they had at one time given up their Nicaraguan citizenship; Mayorga because he had allegedly been tried for a crime; Alemán because he had not resigned as Mayor of Managua by the deadline specified by law; and Ortega and Ramírez for having headed the movement that brought down Anastasio Somoza Debayle in 1979, an action termed a "breach of the constitutional order" by the challengers.

During this stage, a group of candidates for deputy, mayor, vice mayor, and municipal-council member were also challenged for various reasons. The challenge presented by Enrique Quiñónez, of the Nicaraguan Resistance Party (PRN), against his party's candidates for President and legal representative was unique: he claimed that he himself was the candidate for President, in accordance with a PRN congress resolution.

The leaders of the Christian Democratic Union (UDC) challenged that party's alliance with the National Conservative Action (ANC) party, arguing that it had been arranged by a group of leaders who did not represent the party and had no authority.

After considering the challenges, the CSE issued a decision in the first week of July, inhibiting the candidacies of Lacayo, Robelo, and Pastora for President. It later disqualified Montealegre and Mayorga as well.

In the cases of the challenges against candidates for deputy, the CSE decided to inhibit the candidacies of José Rizo Castellón, the first candidate for deputy presented by the AL in Jinotega Department, and of Fernando Guzmán and Edmundo Zúñiga, the first and second candidates for deputy to PARLACEN put forward by PRONAL, the first because he did not have Nicaraguan nationality and the second two because they had not resigned their government offices within the legal time limit. It is interesting to note that the two AL candidates for deputy stepped down before the qualification period for those offices, as did Alfonso Deshon, the "Alianza Pan y Fuerza" candidate for Vice President, believing that some of the grounds for inhibition were applicable to them.

As for the situation with the PRN, which had entered two lists of candidates, the CSE ordered that the list presented by the party's president and legal representative be published in preliminary form and that a new list be presented within three days. Afterwards, the CSE recognized the list headed by Quiñónez and accepted some of the candidates for deputy presented by the opposing group within the PRN. The other presidential candidate affected by this decision then challenged Quiñónez, on the grounds that he resided outside Nicaragua and had not lived in the country for all of the past five years as the law required. The CSE did not issue a decision on that point.

The CSE decided to grant the challenge presented by members of the UDC, ruling that the Nicaraguan Alliance was dissolved and authorizing the other member of the coalition, the ANC, to participate individually in the elections after confirming or modifying its list of candidates. The CSE based its decision on Article 173, Section 1, of the Constitution and on Article 10, sections 4 and 5, and articles 61, 63, and 79 of the Election Law.

The candidates Lacayo and Pastora each appealed their inhibition. Robelo filed a challenge to the CSE magistrates and asked to have the case heard by a higher court.

In all these cases the political parties affected were given three days from the date of notification of the decision to replace the candidates removed from the list.

This stage of the electoral process politically strengthened the CSE, by increasing the general credibility of the electoral process.

2. Election campaign financing

The financing of campaign advertising is regulated by Chapter IV of the Election Law. Pursuant to Article 103, the Government must include in the budget a specific appropriation for

financing the campaign expenditures of political groups participating in elections, including an appropriation for loans to be made available through the Ministry of Finance.

Article 105 of the law stipulates that parties that are represented in the National Assembly by incumbents and that have candidates registered should receive the government allocation in shares, which do not vary even if they form alliances, whereas parties not so represented may receive financing in the form of loans, distributed in equal parts among the requesting parties. The article also provides that parties that do not win at least one seat in the Assembly or in PARLACEN must return a proportion of the funds corresponding to the number of votes by which they failed to win.

Article 107 states that the financing for each party or people's subscription association may be distributed by the CSE in accordance with the electoral districts in which the candidates are registered and with the number of candidates registered.

Article 17 of the Annual Budget Law establishes that a minimum of 15 percent of the CSE budget must be allocated to campaign financing. Since the budget assigned to the CSE by the National Assembly in 1996 was nearly 227.5 million cordobas (C\$227,449,053), the parties were entitled to approximately 34 million cordobas.

Distribution procedures

On July 23, at a meeting with political party representatives, officials of the CSE presented four options for distributing the campaign funds and invited the representatives to submit their suggestions and views on the options in writing, explaining that they could add others or combine those presented.

Since no suggestions were received, the CSE decided in early August to distribute the money, (C\$34,117,354.95), on the basis of the following formula: the first 50 percent (C\$17,058,678.92) would be divided in equal parts among the 32 political parties participating in the elections (C\$533,083.72), and the remaining 50 percent would be allocated to the candidates presented by each party in proportion to the values assigned by the CSE for each election (Appendix III).

Regulatory framework

The CSE issued a set of regulations for the recording, management, and control of financial resources going to the political organizations. According to these regulations, the campaign funds were to come from the national budget and from both national and foreign organizations as well as individuals .

The loans to People's subscription associations were to be calculated according to the population of the municipality. For associations in the municipality of Managua, the amount was set at 7,000 cordobas per candidate, including alternates. For municipalities with more than 30,000 inhabitants, or those that were the administrative seats of their departments, the amount

was 5,000 cordobas, and municipalities with fewer than 30,000 inhabitants would receive 4,000 cordobas.

Problems

According to the election timetable, the distribution of the campaign funds was to begin between June 5 and 10. It was held up for several weeks, however, because of delays in the approval and disbursement of the resources by the Executive and because of a disagreement over which parties should be considered as represented in the Assembly and which not.

This distinction was of critical importance, since it determined both how much the parties would receive and on what terms--as a donation or as a loan. Furthermore, the parties not represented in the Assembly could not receive more financing than those that were represented.

While these discussions were going on, some small parties were criticizing the requirements set by the Election Law for the handover of funds, pointing out that many of them were unable to put up "collateral or similar security for the amounts they received," as stipulated in Article 105.

In view of these and other questions raised, a group of deputies introduced a bill to amend the articles of the Election Law referring to party campaign financing, which was approved after many changes on September 11.

Reform of the Electoral Law. The Electoral Law reform primarily benefited small parties, introducing more flexibility in the requirements for receiving government financing while increasing the total amount of budgetary funds going to the parties and permitting the "excess" or "remainder" obtained by a party in any given department to be used by that party for campaigns in other departments. The reform amended Articles 105, 202, and 206 of the Election Law.

The reform of Article 105 established that all parties, alliances, and people's subscriptions associations participating in the elections must vouch for the proper use of the funds by means of the personal guarantee of three citizens "of recognized moral stature," thereby revoking the requirement that political organizations put up "collateral or similar security."

A paragraph was added to Article 202 establishing that parties that are represented in the National Assembly and have registered their candidates in accordance with Article 1 of the Electoral Law would receive obligatory financing of no less than 3,250,000 cordobas. According to the amended article, the financing would be distributed in two parts: the first 50 percent would be "issued in full" and the second 50 percent would be in proportion to the number of candidates registered in each electoral district. The amount stipulated by the article was understood as being in addition to the amounts already received by the parties.

Finally, Article 206 was amended to allow so-called "excess funds" or "remainders" received by a party in one department to be used by that party to gain one or more deputies in

other departments. Although this change did not refer directly to the subject of financing, it made it easier for minority parties to gain deputies, thereby reducing the possibility that they would have to reimburse the money received because they have no seats in the Assembly.

As far as the determination of representation is concerned, the reform merely defined the status of regular and alternate deputies, establishing that only parties with deputies of their own could be considered as having representation.

Request to postpone the elections. Because of the delays in distributing the funds to the parties, a group of minority-party leaders asked that the elections be deferred until November 10. They pointed out that Article 90 established a period of 75 days for the election campaign and argued that since they had not received their funds before the official opening date of the campaign, they could not begin their campaigns on the intended date, which was a violation of the Election Law. The request for postponement was introduced in the Assembly by legislators from those parties as an amendment to the Election Law but was unsuccessful.

Distribution of funds

A few days before the Assembly approved the Election Law reforms, the Minister of Finance warned that the government had no money for the allocations specified in the proposed reform of the Electoral Law. In a letter to the president of the National Assembly, he said that the resources to cover the increase that the deputies were ordering simply “did not exist.”

The head of the Central Bank and the First Secretary of the Assembly, among others, said much the same. The former indicated that it was impossible to comply with the new law, since neither the source of the funds nor the arrangements for collecting them had been considered. According to the newspapers, he said that “the provisions do not define the origin of the resources to meet the demands mentioned, while at the same time they do not create any additional tax mechanisms to generate extra resources to meet these requirements.” Without such provisions, he suggested, the only possible way would be to reduce the budgets of government ministries, including those of health and education. The First Secretary of the Assembly declared that the requirement to distribute 3,250,000 cordobas to each party could create a new institutional crisis between the Assembly and the Executive, since it increased the budget substantially.

The funds for the parties began to be distributed in mid-August, about two weeks after the electoral campaign had been officially launched on the second of the month. Since the Assembly still had not agreed which parties were represented in it and which were not, the funds were distributed in the form of advances, and both the parties and the alliances had to sign two promissory notes for their first four candidates for deputy.

According to the National Treasury, the total financing issued to political groups participating in the elections amounted to over 62.5 million cordobas (C\$62,652,644.30), of which 56.5 million (C\$56,583,669.51) went to parties and 6 million (C\$6,068,974.79) to the people's subscription associations.

PART V
Election day

1. Qualitative and quantitative observation

On October 20, 1996, the Mission observed the elections from a qualitative and a quantitative standpoint. Qualitative observation covers such matters as the organization and logistics of election day; poll workers' and inspectors' knowledge of the law; the freedom of citizens to go to the polls; respect for the secrecy of the ballot; the absence of outside pressure or threats to poll workers and/or the public; the effectiveness and application of controls such as inking fingers or punching documents, as appropriate, and any other details having to do with the mechanics of voting. By quantitative observation is meant coverage of the largest number of voting centers by a strategy of touring previously defined routes. The Mission's main activities were organized around qualitative observation, with its other work, such as the quick tally, designed to meet the resulting needs.

The observation on election day began at 6:00 a.m. throughout the country. It included verification of the installation and opening of the polling stations, the voting, the vote count, the filling out of records, the transmittal of results, and the delivery of the voting material to the computation centers. The observation of the closing of the polls, the vote count, and the record filling was done at the polling stations that had been selected to make up the sample used for the quick tally.

To reinforce the presence of the Mission in the regions with the greatest potential for conflict, more observers were concentrated in the central part of the country. Because of the electoral importance and the representative nature of Managua, a large number of observers was also assigned there. The Pacific region, which is better organized and had more government institutions, had fewer observers. (See Appendix IV for the polling stations visited.)

The alternative arrangements for voting in the various municipalities were reflected on forms specially designed to facilitate the continuous transmittal of information to headquarters in Managua. As a result, the Chief of the Mission had relevant information throughout the day on how the process was going. Any complaints made throughout the day were received and similarly transmitted.

Objectives of the observation

On October 20, the Mission observers checked on the status of the following aspects:

Organization of the electoral process. The Mission checked to see whether the polling stations opened on time, whether they had been staffed in accordance with the law, whether all the voting materials had arrived, whether the booths had been correctly installed, whether the voter lists were properly exhibited at the polling stations, whether the voting, the vote count and the transmission of results were carried out without any irregularities or interruptions, and whether, in general, the basic organization and logistics of the voting process were in order.

Performance and training of the poll workers. The observers also checked on the level of training of the poll workers, the party inspectors, the electoral police and members of the security forces, and also on how well versed and knowledgeable the various party activists and the public in general were about the alternative voting procedures.

Voting freedom and secrecy. The Mission checked whether citizens had free access to the voting places, whether they reported any acts of intimidation or whether they were able to vote freely in a secret, properly installed booth.

Compliance with election regulations. The Mission checked to make sure that the law and procedures governing the mechanics of voting had been followed. They looked at whether voters' fingers had been correctly inked, whether the inspectors had free access to the work of the polling stations, and whether the voting process, poll closing, vote count, and transmission of the results were all performed in accordance with the Election Law and CSE regulations and instructions.

Cooperation with the European Union

To enhance the quality of the observation and increase the number of control points, the Mission agreed to join forces with the election observation mission of the European Union, both in the qualitative observation and in the quick tally. This working arrangement was based on the following criteria:

Separation of the two organizations. The two groups contributed and shared information while keeping their own objectives, drawing their own conclusions, and reporting back directly to their own organizations. Each provided its own human and material resources.

Single form. Both organizations used the same set of forms to report the alternative election procedures. It had been prepared by the OAS Mission specialists, with changes suggested by members of the EU mission. The basic programs for entering the data were also shared. The information gathered by using the quick tally forms was delivered to the OAS mission, which was in charge of processing it.

Coordinated routes. The observation routes were divided between the two organizations by common accord and on the basis of the specific interests of each. This method of cooperation was satisfactory for both parties, enabling them to achieve results that neither could have obtained if

they had worked individually. The routes were selected statistically on the basis of the quick-tally stations.

Participation of the Secretary General

OAS Secretary General César Gaviria visited Nicaragua from October 18 to 21 to observe the election process at first hand. His schedule included meetings with the President of the Republic, with the head and other members of the CSE, and with the presidential candidates of the major parties about the pre-election political situation, the prospects of the elections, and the role of the Mission. At another meeting he exchanged impressions, mainly having to do with the organization of and preparation for the elections, with representatives of other international observation agencies.

On election day, the Secretary General went to various voting centers, both in Managua and in the interior, to see for himself how the election was progressing. Later, during an evening press conference together with the Chief of the Mission, he read a press release in which, among other things, he paid tribute to the strong civic spirit of the Nicaraguan people, who had shown up in huge numbers to exercise their right to vote, and to the successful conduct of the entire process, both during the pre-election phase and on election day itself, despite certain deficiencies (see Appendix V.)

The next day the Secretary General met with representatives of the observation mission of the European Union to assess the results of the cooperation between the two organizations and matters of interest to both the OAS and the EU.

Managua operations center

On election day, an operations center was set up at the Mission's headquarters in Managua and remained open until the quick tally had been completed. Its functions were to gather information transmitted by the observers and the regional offices regarding coverage of the process; to keep the data base current; to transmit the information, after consolidating and statistically analyzing it, to the Secretary General and the Chief of Mission; to check the information sent to the regional offices by the departmental electoral councils; to make any contacts necessary to provide support to the observers in the event of an emergency; to obtain from the election and/or civilian authorities any data or information needed by the Chief of Mission and/or the regional offices; and to serve as the main center for communication with the regional offices.

The operations center was staffed by two international officials, who were in charge of coordination, dealing with the authorities, statistical analysis, and contact with the Chief of Mission; a communications group to receive information sent by radio; fax operators; telephone operators; and support personnel, who entered the information into the data bank and performed other administrative tasks.

Communications between the operations center, the observers and the regional offices took two forms:

Immediate communication. Observers used this mode to transmit reports every two hours on the general status on their routes, the number of polling stations visited, and any problems they found, in accordance with a previously arranged communication plan. Those reports made it possible for the Secretary General and the Chief of Mission to give a precise assessment of election day during their 8:00 p.m. press conference. The operations center received and processed a total of 1,495 reports in the course of the day.

Deferred reporting: This mode was used to process the main form containing the data on the qualitative observation. In view of the large quantity of data collected and the impossibility of transmitting it by radio or telephone on election day, it was processed later and used as a basis for the final analysis of the elections.

Quick tally

Pursuant to a decision made by the Chief of Mission in consultation with the OAS General Secretariat, the Mission together with the observation mission from the European Union performed a quick tally of the votes.

According to the regulations of the Supreme Electoral Council, quick tallies of votes on election day must have the prior approval of the election authorities and their results may not be made public before the CSE has announced the official results. The organization in charge of making the quick tally must also submit in advance and in writing, the procedure it will be using. Only two organizations, the OAS/European Union and the national observation organization Ethics and Transparency, performed quick tallies.

The sample used for the quick tally was selected on the basis of three areas known historically for their particular political behavior: the city of Managua, the Pacific coastal region, and the central part of the country. It covered a total of 160 points: 130 for the primary sample and 30 for a secondary sample consisting only of the city of Managua. Each observer was in charge of one sample point, except those observers in the city of Managua, who covered two points each. The sample was designed on the basis of a systematic random sampling that had been used successfully by the OAS in Nicaragua in 1990, in Haiti in 1990, and in Paraguay in 1991.

Because of the geographical characteristics of the areas chosen for the sample and the lack of an adequate infrastructure, it took ten days to identify the sample points. During this time, the observers went to the polling stations selected in each of the three areas to check on their accessibility and communications. On October 17, the mission conducted a general deployment and communications test, which generally confirmed the results of the individual check already performed.

On election day, data from the sample points for the quick tally flowed slowly into the mission's main office in Managua, as the votes came in and were counted at each of the polling stations. By 9:30 p.m., partial results were given to the OAS Secretary General and the Chief of Mission. At 2:00 a.m. the following day, when 80 percent of the votes had been tallied at the polling stations, the new results were transmitted by telephone, and at 11:00 a.m. that day the final results were officially delivered to the authorities of the Supreme Electoral Council.

2. Election day

Coverage by the Mission

The Mission had a total of 97 observers assigned--91 in the field, 1 at each of the four regional offices, and 2 at the operations center. The European Union mission, with which their deployment was coordinated, had 81 observers.

Of the 8,995 polling stations operating in the country, the OAS/EU observers visited 2,467, or 27.43 percent. Of these, 726, or 29.43 percent, were in rural areas and 1,741, or 70.57 percent, in urban areas. This means that on average about 15 stations were visited by each of the 172 OAS/EU observers--a large number, especially bearing in mind that many were in hard-to-reach rural areas.

In some cases, observers had problems getting into the polling stations, possibly because of the ambiguity of the instructions in the training manuals for workers. Depending on how the manuals were presented, observers's visits could be interpreted as an interruption or a nuisance.

In general, the direct observation phase, or in other words the part that required no questions but merely the taking of notes, went smoothly. The phase involving questions was more complicated, since some of the poll workers were reluctant to answer some of the observers' questions, especially those having to do with their political affiliation.

Problems

The people turned out to vote in large numbers. In the city of Managua and in most of the municipalities in the interior, they were already waiting at the polling stations by 4:00 a.m. The flow was constant and did not stop until the polls closed. In some cases people waited more than four hours to vote. In other cases voters were observed casting their ballots at 10:00 p.m. A number polling stations were found to have shut down before everybody in line had been able to vote. In Managua, the Mission itself discovered 35 such cases. It was impossible to determine how many people were unable to exercise their right to vote for this reason.

By the end of the day, it was determined that 85.77 percent of the stations visited by OAS observers, or 1,603 stations, had operated normally. At 10.75 percent (201 stations), minor problems were reported, at 2.51 percent (48 stations) major problems were observed, and at 0.58 percent, (13 stations), the voting was suspended. The definition of minor problems was based on

Article 126 of the Election Law, which prohibits on election day all public events and spectacles within the voting precinct, the sales of liquor, the entry of armed persons, campaigning in the area immediately surrounding the voting places, the presence of inebriated voters, and the formation of groups in the vicinity of polling stations. The Mission regarded as major problems any acts designed to prevent people from voting; the absence of security; cases of massive fraud; intimidation; marking, destroying, or voiding documents; improper staffing of the polling stations; the purchase of documents; riots; and multiple voting.

The observers noted a variety of problems of varying magnitude as the voting progressed. In most cases, however, the election officials were ultimately able to do their work of installing and managing the polling stations and facilitating the people's right to vote. The professionalism and perseverance of the CSE and the staffs of the polling stations resulted in free elections.

Late opening of polling stations. The most common problem was the delay in the opening of polling stations. The observers found that only 15.20 percent of the polling stations visited were opened on time; the remaining 84.80 percent opened late (see Appendix VI).

There were a number of reasons for this. One was the late delivery of election materials. The electoral register for Managua, for instance was printed on October 19 and it did not arrive at some polling stations until the afternoon of October 20. Another was the dividing up of the polling stations, which was still being done up to the day before the elections. In some cases, the information on the location of the new polling stations and on their staffs was not obtained until October 20. It should be noted, however, that the CSE decided that the polling stations should remain open for the required 11 hours to make sure that all the people could vote.

Shortage of election materials. Although the CSE had regarded this as very important, a shortage of election materials turned out to be one of the most serious problems on election day.

The following situations were among those observed by members of the Mission: (a) all ballots missing for all six elections; (b) all ballots missing for one or more of the six elections; (c) some ballots missing for all six elections; (d) some ballots missing for one or more of the six elections; (e) lack of additional ballots for police and military voters; (f) presence of the wrong ballots for one or more of the six elections; and (g) discarded or mutilated ballots or ballots of the wrong color for one or more of the six elections. As was said above, the shortage of ballots was due to delays in the printing, packaging, control, and distribution of ballots, among other things.

Problems of a shortage of voting materials, including support material, record documents, and/or ballots were reported at 21.59 percent of the polling stations observed throughout the country.

Incorrectly located polling stations. This problem was especially critical in Managua, where at least 30 polling stations opened at locations other than those originally assigned, without the prior authorization of the departmental electoral council. Most of these stations were not

challenged on election day; the change was made without objections by the poll workers or inspectors present. Nationally, 96.89 percent of the 1,832 polling stations on which the Mission has information operated at the site originally selected. Of the remaining 2.87 percent (52 polling stations), only 0.49 percent, or 11 stations, had received authorization to change their location.

Improper staffing. In Managua, where the staffs of many polling stations were appointed just on election day, the Mission observers found that several polling stations were improperly staffed--in some cases, the workers had not been appointed as required by law. Most of these arrangements, it should be noted, were made with no objections on the part of the staffs or the inspectors.

The cases of improper staffing were partly due to the complexity of the process established by law for selecting the poll workers and to the continuous dividing up of the polling stations. In many cases, the delivery of the lists of candidates that the political parties were supposed to provide and the subsequent selection of regular and alternate members, involved a long and difficult process that required a major effort on the part of the departmental electoral councils.

Presence of inspectors. In general, it can be said that inspectors were present at the polling stations in huge numbers. At the 2,467 stations visited by Mission observers, the FSLN had inspectors at 1,848, or 82.87 percent, and the AL at 1,784, or 80 percent. The other parties, including the Communist Party, PRONAL, and MRS, also had many on site (see Appendix VII).

It bears mention that many of the inspectors confined themselves to watching passively what was going on. This was especially true of inspectors from small parties. In some cases, they could not immediately identify the party they were representing. The inefficiency of the inspectors was partly due to incomplete training.

Voting under Article 41. Article 41 of the Electoral Law permitted citizens with valid voting documents to vote at the polling station for their precinct even though their names did not appear on the electoral register. This provision was regarded by the CSE as a situation that may give rise to the casting of multiple votes, and so it asked the Assembly to repeal it several months before the elections. Paradoxically, Article 41 entitled a large number of citizens, for whom incorrect information on domicile and polling station was given in the register, to vote.

Secret ballot. Among the positive aspects, strict compliance with the secrecy of the ballot at the overwhelming majority of the polling stations visited is worth mentioning. To ensure it, the CSE ordered that cardboard panels, plastic curtains, or separate booths be placed. At virtually all the polling stations observed, ballots were cast in secrecy.

Indelible ink. The quality of the indelible ink, donated by Canada, was generally good. As a result of problems noted in 1990, international observer organizations had repeatedly brought up this point as a possible source of problems. The CSE took sufficient precautions in this regard. The ink receptacles could not be spilled and use of the ink was adequately explained during the training sessions.

3. Vote count

The vote counting was slow, as a rule. In most cases the process took several hours--in some cases up to twelve hours.

Delays were observed mostly in rural areas, and they had to do with the defective physical conditions of the polling stations (in many cases, the count was done in very cramped quarters by the light of candles or lanterns), the complexity of the counting process, and the lack of experience of the poll workers and inspectors.

The first step in the vote-counting process, a comparison between the number of ballots received and the number used, left over, or invalidated, took a long time because the numbers usually did not match, which necessitated one or more additional count. In some of the polling stations observed, records were made containing inconsistencies between the number of ballots received and the number of voters.

The count was also slowed by the volume of votes to be counted (actually six ballots per voter), by the participation of overzealous inspectors, and by disputes over what should be considered a valid and/or an invalid vote. Filling out the records took a long time in many cases because of the way they were designed, because of a lack of knowledge of the procedures involved, and the lack of certain key mechanisms.

Another cause of delay was the fact that most of the polling stations closed late, because they had opened late. More than 50 percent of the polling stations observed by Mission observers closed between 8:00 p.m. and 2:00 a.m.

Despite the slowness of the process, the observers found that the count took place in a calm and orderly fashion, and no serious incidents were reported. In only 11 of the 160 polling stations where the count was observed were any minor incidents reported.

Description of the process

According to the instructions from the CSE, as soon as the polls closed the workers were to sign the document closing the vote and begin the count. The guidelines for this circulated to the poll workers gave the following specific instructions: (a) sign the document closing the polls; (b) proceed to the area where the count will take place, open the session, and sign the document to that effect; (c) verify the contents of the ballot boxes and arrange the ballots by type of election; (d) count and examine the ballots to verify that the number of ballots matches the number of voters; (e) perform the count; (f) fill out and sign the vote-count documents as the count for each election is completed; and (g) fill out and sign the telegram forms to be sent to Managua.

Problems observed

Mission observers found the following problems:

Physical conditions at the polling stations. Despite agreements between the CSE and electrical and communications companies to ensure first-class facilities, they were generally rudimentary. Especially in rural areas, the work of vote counting and filling out forms was done with little or no electricity, vehicle headlights or candle-light, by personnel who were tired, and in many cases without the right materials or enough materials.

Shortages of materials. At many polling stations, there was a shortage of ancillary materials. In the absence of carbon paper, for instance, which was not even included on the list of supplies to be sent to the polling stations, the poll workers had to make out by hand the copies of records and documents that were supposed to be distributed among the inspectors. Since time was short and the staff was tired, in many cases copies were given only to the representatives of the principal parties.

Training. It was obvious that the training sessions focused mainly on the voting process, with less emphasis on procedures after the close of the polls, especially the vote count, the completion of forms, the transmittal of telegrams, and the delivery of voting materials.

Design of the forms. The forms for the records and telegrams were not suited to the milieu and the conditions in which the vote count took place. The blank spaces were very small and the arrangement of the information was confusing. The fact that the forms were filled out by various persons under inadequate conditions led to some inconsistencies.

Fatigue on the part of staff and inspectors. The CSE summoned the poll workers for October 19 so that they could accompany the voting materials to the polling stations. This decision, taken partly to ensure that the workers would be present on election day, had adverse consequences during the vote count, since the vast majority of them were already exhausted when they began work on October 20. In the case of municipalities where access was difficult, many of the poll workers had to travel to the municipal capitals on the 18th to receive the materials the next day. Since the materials arrived several hours late, many had to travel back to the voting places on the night of the 19th.

4. Transmittal of the results

According to the CSE instructions, after the count for each election was completed, the poll workers were supposed to enter the results of the six elections on the telegram forms. The president of the local electoral board, accompanied by any workers and inspectors who wanted to go with him, was to go to the office of the national telecommunications company, ENITEL, and send the results to the National Computation Center (CNC) by the most appropriate means (radio, telex, telephone, or fax). The company operator would transmit the data appearing on the form. In Managua, the telegrams were supposed to be deposited at centers set up for that purpose at post offices, and from there they would be transferred to the CNC.

In view of the precariousness of the ENITEL facilities, in some municipalities in the interior the data had to be transmitted by radio or telephone to the nearest municipalities, and from there to the CNC in Managua. Disturbances were observed in many ENITEL offices, with inspectors fighting to get into the transmitting area with the president. Since in some cases only the president was allowed to enter, many inspectors complained that the procedure was a violation of the transparency of the process. As a rule, these problems were settled by dialogue and agreement between the parties and the election authorities.

Many telegrams had corrections, erasures, deletions, or smudges. In some cases, election officials allowed the contents of the document to be written in clean copy on the reverse side, with the approval and signature of the inspectors. Many of the telegrams were sent the next morning or even the next afternoon.

Problems observed

The following problems were among those observed during this stage:

Vague and incomplete instructions in the training manuals. The procedure for sending telegrams was described only briefly in the training manuals, because Article 134 of the Election Law is very general and no regulations on it were issued by the CSE.

Lack of coordination with ENITEL. Owing to a lack of coordination between the election authorities and ENITEL, many of the offices where the telegrams were received and transmitted prohibited the entry of inspectors and Mission observers. In most cases, these problems were solved by dialogue. In other cases, however, the situation gave rise to various accusations, mainly accusations of attempts to alter the telegrams inside the ENITEL offices. It should be noted that the Mission did not observe any such thing. In some cases, Mission observers did notice that while handing in the telegram the president of the local board discovered errors in it and corrected them on the spot. In other cases it was the ENITEL operators who discovered the mistakes. In at least one instance, ENITEL operators changed the document to correct it. None of these circumstances is prohibited or covered by CSE instructions.

Lack of transportation. When the vote count was over, in many cases not until the early hours of October 21, poll workers were supposed to go to the headquarters of the departmental electoral councils to deliver the voting materials. In most cases, however, no transportation for this travel had been arranged. This was a serious problem in many municipalities, and even in the urban areas of some of the major ones. As a result, the material was transported in some cases in private vehicles belonging to political party-leaders or activists. This gave rise to a series of complaints, even though it is not expressly prohibited by law. The Mission observers did not find that the materials thus transported had been changed in any way. In other cases, the presidents decided to take the material to their homes or offices and move it to the departmental councils the next day. Since the inspectors were not required to participate in this phase, a large number of

them decided not to accompany the president to send the telegram and/or deliver the voting materials.

5. Delivery and receipt of the voting materials

According to the law, once the votes had been counted and the telegrams had been sent, the president and any inspectors who wanted to accompany him were supposed to go to the CED computation centers to deliver the bags containing the unused, invalid, and counted ballots, any leftover ancillary materials and the binder with the six tally records, the opening and closing documents, and the copies of the telegrams sent.

Beginning at midnight, as the counts were being completed, the poll workers and inspectors began arriving at the computation centers. In some of the major departments, however, the election authorities had not organized procedures for fast, orderly reception of the materials, and long lines began to form.

A considerable proportion of those waiting in lines in municipalities in the interior had started their work on the evening of October 18, since many had had to travel by night in order to pick up the voting materials on the morning of the 19th. In many of these cases, however, the materials had not arrived at the departmental capitals until afternoon, and so after waiting all day they again had to travel all night to take the materials to the polling stations. Bearing in mind that they had had to work all day on the 20th, ending in the early hours of the morning after a long and arduous vote count, it became apparent that the crowds waiting outside the computation centers at dawn on the 21st were physically exhausted, deprived of many hours of sleep, and hungry, with no assurance of food, lodging, or transportation. Many were kept waiting until 4:00 or 5:00 p.m.

Under the circumstances, halfway through the day some of the poll workers began abandoning the bags of voting materials around the computation centers. This situation was especially critical in Managua, where a number of disturbances were observed. (Section 4 of Part VI gives more detailed information on what happened in Managua Department.)

PART VI

Post-election phase

1. Receipt of the results at the CNC

The data containing the election results sent by the ENITEL offices in the interior and by the receiving centers in Managua were received at the National Computation Center (CNC) of the CSE, which was set up in the Olof Palme Convention Center in Managua. There were two components of the receiving process: the technical and data processing part, done by the Spanish firm INDRA, and the administrative part, which was handled by CSE staff. The process involved the following steps:

Checking. When the telegrams arrived they were transferred to a checking area where CSE staff, together with accredited inspectors in the center, verified the quality of the documents. If the figures were illegible those telegrams were separated from the rest and a retransmittal was requested. If the information was legible, they were transferred to the data-input section.

Input of data. In the data-input area, the information received was put into the CSE system by operators from the Cartography and Informatics bureaus working with programs designed by INDRA.

Arithmetical control. When the data had been entered into the computer, an arithmetical quality control was performed to verify, among other things, that the number of registered voters did not exceed 400; that the total of the votes cast for candidates was the same as the total number of valid votes; and that the abstentions were the same as the number of voters minus the votes cast. If these criteria were not met, the computer rejected the data and a retransmittal of the telegram was requested, or else the rejected telegrams were sent back to the departmental electoral councils to be corrected. If the criteria were met, the computer stored the results and put them on line so that they could be consulted at the terminals in the different parts of the computation center.

The CNC was physically divided into three areas. In the first, the “Press and Public Area,” a screen was set up for consultation by the press and the public. In the second area were terminals specially equipped to print out the processed, cumulative results. In the third, to which only the inspectors had access, the data were checked and put into the system. The Mission did not have access to this last area and therefore cannot certify what went on.

Information flow

The results began arriving at the CNC at 9:00 p.m. A large number of telegrams, however, contained arithmetical errors, erasures, and illegible information, which delayed the entry of the data. At first the CSE announced that the initial results would be reported at midnight and preliminary data on the winners at noon the next day. In practice, because of the high percentage of telegrams containing errors and/or inconsistencies, the partial results were published on October 23 and it was not until November 3 that the provisional results were announced.

There was a series of problems with the computerized procedures for the receipt and processing of the data. The program rejected results from polling stations with more than 400 voters, for instance, it having been forgotten that the polling stations could easily exceed this number in view of Article 41 of the Election Law, according to which citizens not listed in the register could vote if they had a voting document and could prove they lived in that precinct, and the fact that the military and police could vote at the polling station nearest to their place of duty. The telegrams failed to include any specific spaces where these details could be noted. The CNC procedures also caused the rejection of results with easily correctable errors of arithmetic.

2. Arithmetical review

According to Article 137 of the Election Law, after the results had been transmitted to Managua, the departmental electoral councils were to review the arithmetic of the records of each polling station.

This review consisted of verifying the operations of the poll workers at the end of the count. If they were found to be correct, the records were considered valid; if errors were found, they were reviewed again, generally by reopening of the ballot box and repeating the count.

The consequences of this stage were significant. The continuous appearance of errors, inconsistencies, and other irregularities in the tally records, together with the confusion in most of the departmental councils, caused an unexpected prolongation of the review period, which meant that the CSE would not be able to publish the official provisional results on time.

The Mission monitored this process thoroughly at each of the 17 departmental electoral councils, which sometimes worked 24 hours a day. The purpose of the observation was to ensure that the Election Law and regulations were being respected, that the procedures were being followed correctly, that the rights of the political parties were being observed, that the inspectors were participating in the process, and that the final results reflected the will of the people.

Errors and inconsistencies

From the beginning of the arithmetical review process, many errors were found in the tally records. These consisted primarily in variations or irregularities in the number of votes and/or differences between the figures appearing on the various lines of the record and the total given, such as discrepancies between the number of persons who voted at a polling station and the number of ballots used.

Since the CSE had not issued any general rules to follow in such circumstances, the departmental electoral councils adopted their own, which led to a series of isolated and sometimes contradictory decisions.

In general, following a resolution issued by the Departmental Electoral Council (CED) of Managua, some councils decided that records in which the discrepancies involved fewer than ten votes would be considered valid and entered into the CSE computer system as final; those that involved more would be subjected to a recount in the presence of officials and inspectors. Depending on the criteria used in each of the departmental electoral councils, there would be a physical count of the ballots, a review of the number of valid and invalid votes, and/or a vote-by-vote review. After the actions of the poll workers had been checked by means of these procedures, resolutions were issued to correct mistakes they were thought to have made (for instance) declaring a vote invalid.

Comparative check of the records

When the arithmetical review had been completed, the results entered in the records were compared with those received in Managua printed in tables sent by the CSE (called “reports for review and correction of the preliminary results”). These forms had several columns. Some showed the data received by CSE operators at the CNC and others left blank spaces for corrections. Where all the election data were missing, either because the telegrams had never arrived or because they were illegible, the information was to be entered in the blank spaces.

3. Challenges

Under the Election Law, the functions of the polling stations include the receipt of challenges and appeals filed with them on election day. The persons authorized to present these challenges are the inspectors from the political groups participating in the election process. According to Article 127, the petitions must be in writing, be signed, and contain the reason and grounds for the challenge. According to Article 137, the departmental electoral councils may open the bags containing the ballots of polling stations where challenges or appeals have been filed and have a period of no more than 48 hours to decide on them.

It should be mentioned that the law does not distinguish clearly between challenges and other appeals or petitions, failing to establish specifically the form and content of the actions that the inspectors may file with the polling stations.

The Mission observers noted that the number of challenges filed on election day was relatively small; they themselves had direct knowledge of only two. In view of the numerous cases of errors and inconsistencies, which necessitated a thorough review of the polling stations’ results, the departmental electoral authorities did not as a rule pay attention to the challenges or objections lodged at the polling stations, and so these petitions were not carefully examined.

4. Managua and Matagalpa

The observation of the review process carried out in Managua and Matagalpa departments deserves special attention.

Managua

A state of disorganization characterized the reception of the voting materials for the Department of Managua at the Oscar Pérez Cassar Center of the Nicaraguan Bank (Banic). Hundreds of poll workers, inspectors, and electoral police who were transporting the ballots, records, and leftover materials from the polling stations had to wait in long lines in front of the center for nearly 24 hours, with no assistance or protection. This caused incidents of various types, including police intervention in fights between poll workers trying to get into the center. In these circumstances, many of the workers decided to abandon the place, leaving bags of voting materials scattered in the street.

As a result, the CSE employees received the election packages without recording the number of the polling stations they belonged to, so that there was no control over the material actually turned in to the Banic Center. In addition, the packages received were piled up helter-skelter, in no particular order, in various parts of the center, including hallways and corridors. Under these conditions, the polling-station numbers, which were usually written on the plastic bags with markers, became smeared or were rubbed off. By the end of the process, the Mission was told, about 150 bags could not be identified and had to be invalidated.

Inconsistencies in the documents. The voting materials that came into the Banic Center were classified by district and by municipality. Since the packages had been brought in without controls of any kind, most of them had to be opened to find out how many records they contained.

The problems observed can be classified as follows: (a) all records and telegrams missing, including the opening, closing, and tally documents; (b) records or documents missing; (c) corrected and/or altered telegrams; (d) documents corrected and/or altered in relation to the telegrams; (e) book of incidents missing; (f) records with no signature or with only one; (g) documents and telegrams with corrections and/or alterations; and (f) any combination of the above.

According to the CED, the number of polling stations with inconsistencies in their documents came to 1,374, and the number with arithmetical inconsistencies amounted to 1,492.

The Mission was informed that in addition to the polling stations with various types of errors, the packages for 86 went astray and never arrived at the Center.

To salvage results that were unidentified or had been lost, the CSE, with the agreement of the departmental inspectors, decided to open a “data supply area,” where the political parties could present copies of the lost records. The CED drew up a list and handed it out to the political

parties to begin their search. The Liberal Alliance turned in about 1,500 copies of records, closely followed by the Sandinista National Liberation Front.

Arithmetical review. The arithmetical review of the records was carried out by a team of bank accountants supervised by CED staff. In accordance with a resolution issued by the CSE on October 26, any record with inconsistencies of ten or more votes would go to the recounting section. If the discrepancy was fewer than ten, it would go to the cross-check section, where the figures on the documents would be compared with the data received in the CNC.

The recounting section started with ten desks, but this number grew as a result of the large number of polling stations whose results were sent to it and the slowness of the recount (on average, it took six hours to review the six elections for each polling station). On October 28, the CED reported to the political parties that 30 recounting desks were in operation, and so an equal number of inspectors for each political party was needed.

When the inspectors could not reach agreement on the cases presented, the files were set aside with the notation "For review." But there were no specific criteria for determining which cases would be further reviewed or what this second procedure would consist of, since there was no reference to it in any laws or resolutions. The Mission observers learned that complaints were made about a substantial number of polling stations, and so the inspectors requested that the cases be submitted for further review.

The review and recount of the last polling stations, which occurred on November 2 and 3, deserve special mention. During this stage Mission observers became aware of the existence of new unfolded, uncreased, similarly marked ballots in seven polling stations. The inspectors from some political parties, including the FSLN, AL, PRONAL, and CCN, challenged these polling stations. As a sign of protest, the FSLN inspectors walked out the recount process at dawn on November 3.

Challenges. On November 1, at the end of the 48 hour period stipulated by law, the Managua CED proceeded to issue decisions on the 83 challenges or objections presented in the Department, declaring 36 of them without merit. Table VI lists the number of challenges filed by each electoral district and the municipalities belonging to Managua Department.

Table VI
Challenges Filed

District I	3
District II	8
District III	13
District IV	27
District V	8
District VI	18
Tipitapa	2
Mateare	2
San Francisco Libre	1
Villa Carlos Fonseca	1
Total	83

Managua CED reports. On November 7, the first and second members of the CED issued a report according to which returns from 2,035 of the 2,265 polling stations in the department had entered the Computation Center. Of the 204 that were missing, 26 had been annulled because they had no documents and 150 could not be identified.

A later report, this time signed by the president and second member of the CED, indicated that “some 13 percent of the votes” had been recounted and about 9 percent had been invalidated, “essentially because they did not fully reflect the desired results.” The document, which was issued on November 8, added that the CED had found that there were polling stations without closing and/or tally documents, and others with tally records bearing no signature or only one. The report said that “owing to many different complications,” the number of polling stations that were supposed to be operating in the department had been reduced from 2,265 to 2,054.

Throughout the review process, a lack of sufficient clear, well-defined criteria to resolve cases that arose was found. During the final stage, it was observed that arithmetical reviews that had been checked and signed in the presence of inspectors were once again reviewed and corrected without their participation. This procedure was justified as being a secondary review.

Matagalpa

As occurred in Managua, the transport and delivery of materials to the Computation Center had not been adequately planned, which caused a series of delays and confusion. Since the CED had no control of the materials coming into the center, they were piled up in the storage area, which in turn caused further delays in the review stage.

A confrontation between the political parties and the Departmental Electoral Council began a few hours after the voting had concluded, when a group of parties, among them the FSLN, PCN, MRS, PUL, MAR, and Alianza Pan y Fuerza, complained about serious irregularities in the department, which they attributed to a supposed pact between the president of the CED and the AL. These and other parties later requested that the elections be declared invalid, believing that these irregularities affected most of the polling stations in the department. The irregularities complained of had to do primarily with a shortage of voting materials, the loss and falsification of telegrams, and the alteration of tally records.

In an effort to solve the problems in Matagalpa, the CSE sent election officials and technicians of various levels to the department (initially a group of specialists headed by the director of Electoral Affairs, later joined by the president of the Departmental Electoral Council of León and three CSE magistrates). These officials improved the work done in the department considerably, despite objections on the part of some political party leaders who felt that this intervention constituted interference in the internal affairs of the department. In protest over the criteria and procedures established by the team to accelerate the review process, a group of parties, made up of the FSLN, CCN, PUL, MAR, MRS, PCN, and Pan y Fuerza, among others, withdrew from the Computation Center. However, the work in the Center continued in the presence of the other political parties and groups, the observers from the Mission and other international organizations.

On October 28, some political organizations, including the FSLN, PUL, MAR, MRS, and Pan y Fuerza, which were still dissatisfied with the review procedures, walked out again, which caused further controversy and delays. In the days following, there were more debates and confrontations between representatives of the political organizations and CED officials, along with demonstrations and disturbances in the area around the election agencies.

The review process ended on November 6. The results of 854 polling stations had been reviewed and approved in all. Some of the elections at 2 polling stations, and all those at 63 polling stations, were annulled.

5. Petitions for review

In accordance with the Election Law, political groups had three days from the announcement of the provisional election results in which to file petitions for review and an additional three-day period in which to present the arguments or grounds for the petitions. The CSE then had five days to decide on them.

Six political parties and two people_ subscription associations presented petitions for review of the provisional results announced by the CSE on November 8:

Sandinista National Liberation Front (FSLN): The FSLN asked that the elections in Managua and Matagalpa departments be invalidated on the ground of irregularities discovered in those departments that affected the validity of the results at more than 50 percent of the polling stations.

Later, a group of eight political parties joined in this petition. According to the complainants, the results could not be reconstituted, even if tremendous efforts were made to validate a number of records and other inconsistent documents. Therefore, the petition stated, the elections fell into the category of absolute nullity described in Article 172 of the Election Law. In Matagalpa, several parties stated their opposition to the conduct of the president of the local CED and asked for a complete review of the polling stations in that department.

Liberal Alliance (AL). The AL filed a series of petitions and presented a number of specific concerns regarding the need to review the polling-station results that had been nullified in the departments of Jinotega, Matagalpa, and Masaya. The legal representatives of the group also requested a review of the polling stations that had not been included in the departmental vote counts, those that had arithmetical errors in the results of the various elections, and those in which the votes for the AL had been given to other political parties by mistake. The AL asked for a review of 374 polling stations in all.

Alianza Pan y Fuerza. Alianza Pan y Fuerza asked for a review of the polling stations that had erroneously given the votes for one party and/or political group to another party and/or political group.

National Justice Party (PJM). The PJM challenged the elections on the basis of transcription errors in the telegrams, inadequate transport of the ballot boxes, and undue delays in the opening of the polling stations. The PJM also pointed out discrepancies between the number of votes given to that party by the CSE and the number computed by the leaders of the organization itself, and asked for an audit based on the ballots and the tally records.

Liberal Unity Party (PUL). The PUL asked for a review of the elections for departmental deputies in Masaya Department.

Communist Party of Nicaragua (PCN): The PCN asked that all the October 20 elections be nullified by virtue of the large number of irregularities that had occurred. In the opinion of the PCN, there was sufficient evidence to support charges of election fraud.

"Alianza San Rafael del Sur". The Alianza San Rafael del Sur, a people's subscription association in Managua Department, asked for a complete review of the elections for mayor,

deputy major, and councilors in the municipality of Managua on the ground that there were serious irregularities during the voting and vote count.

"Cambio de Diriamba". The people's subscription association known as "Cambio de Diriamba," from Carazo Department, requested a review of the elections for councilors at 17 polling stations in the municipality of Carazo.

It should be noted that petitions for review filed by the Social Christian (PSC) and Social Democrat Parties (PSD) were declared inadmissible because the two organizations did not participate in the elections directly, but as part of the United Alliance. A petition filed by the Renovative Action Movement (MAR) was not allowed because it presented only general considerations on the elections, but did not contain a specific request for review. Similarly, a petition filed by the PUL presidential candidate, Haroldo Montealegre, was declared inadmissible because he was not the legal representative of that organization.

CSE resolutions

The CSE met continuously from November 16 to 19, and announced its decisions on the 22nd. It declared that after reviewing the election results in all the departments of the country, there were not sufficient grounds to consider nullifying any of the October 20 elections and that consequently it was denying the petitions for review that requested that measure. On November 28, the CSE sent to the parties the official notices giving the grounds for its decisions.

As for the petition filed by the FSLN, the CSE rejected the request to nullify the elections in the departments of Matagalpa and Managua because it considered that the polling stations where there were grounds for doing so were not specifically mentioned, in accordance with Article 169 of the Election Law. The document added that the petition to nullify the elections for councilor at 36 polling stations in the municipality of Santo Tomás, Chontales Department, was denied for the same reasons; that the petition to nullify on the grounds that the polling stations were not legally constituted, as was the case with five polling stations in Managua Department, where the results were declared invalid; and that the percentages of nullified polling results in Matagalpa and Managua departments were far below the 50 percent required by Article 175 of the Election Law to invalidate the elections. For all these reasons, the CSE dismissed the petition for review filed by the FSLN and approved the results of the review of the provisional results conducted at the Computation Center and ratified the resolutions and measures adopted by the departmental electoral councils.

The CSE decided to reject in part the appeals filed by the AL, PUL, and Alianza Pan y Fuerza and approve only the requests that were consistent with the results obtained after the review made at the Computation Center. The appeal presented by the PCN was dismissed for lack of specificity and because it was not founded on any of the causes established by law.

As for the appeals filed by the "Cambio de Diriamba" and "Alianza San Rafael del Sur" people's subscription associations, the CSE decided to approve the results of the reviews

performed at the request of the two associations and to confirm the actions of their departmental electoral councils.

According to the CSE, the changes resulting from the reviews conducted in the Computation Center did not entail substantial changes in the provisional final results. It should be said that there is no official information as to the scope and content of the changes made as a result of the reviews conducted after the petitions were filed, since the election authorities did not provide any.

It should also be noted that the Mission did not have access to the computation room during the review of the provisional results, so it cannot express an opinion on this stage of the process.

6. Distribution of legislative seats

On November 22, the CSE published the official final results and announced the winners of the six elections. Some of the winning candidates for national and/or departmental deputy, however, had not appeared as winners in the provisional results made public by the CSE on November 8. The converse was also true: some of the candidates who had appeared to be the winners in the preliminary results were later not reported as winners on November 22. The CSE made its decision on the basis of an internal resolution signed on November 11, which annulled an agreement on the same subject signed on October 18 with the political groups that participated in the elections.

The changes in the distribution of seats based on the new decision can be seen by comparing Tables IV and V.

Table IV
Distribution of Seats
(November 8 Decision)¹

Political Organization	Candidates Excluded
FSLN	candidates for deputy from Estelí, Managua, Masaya, and Carazo
AL	candidates for deputy from Chinandega, León and Managua
MRS	one candidate for deputy from Masaya
PLI	one candidate for deputy from Granada
UNO 96	one candidate for deputy from Granada
PCN	one candidate for deputy from Chontales
CCN	one candidate for deputy from Matagalpa
PRN	one candidate for deputy from Jinotega
ANC	one candidate for deputy from RAAN

¹ According to definitive provisional results based on distribution criteria approved on October 18 by agreement with the political parties.

Table V
Distribution of Seats
(November 22 Decision)²

Political Organization	New Candidates Included
FSLN	candidates for deputy from Chinandega, Granada, Chontales, and Jinotega
AL	candidates for deputy from Masaya, Granada, and RAAN
MRS	one candidate for deputy from Managua
PLI	one candidate for deputy from Estelí
UNO 96	one candidate for deputy from Masaya
PCN	one candidate for deputy from Managua
CCN	one candidate for deputy from León
PRN	one candidate for deputy from Matagalpa
ANC	one candidate for deputy from Carazo

To present and explain the criteria used to determine the seats, the CSE held a press conference on December 3. It is important to note that although the election authorities took that opportunity to spell out the criteria, they did not say why they had decided to annul the decision of October 18 and adopt new criteria.

It is worth mentioning that on December 2, the day before the CSE press conference, some of the candidates affected by the CSE decision filed a suit for protection of their rights with the Court of Appeals for Region III. According to the suit, the decision was in violation of articles 2, 51, 55, 184, and 195 of the Constitution and of the principle of the separation of powers, since, by substantially changing the rules governing the distribution of seats, the CSE had violated the Election Law. The petitioners also stated that there had been a violation of the right to elect and to be elected, the principle of equality before the law, and the rules of administrative legality, since the proportional electoral system established in Nicaragua is one in which seats are determined on the basis of the number of valid votes. According to the petitioners, the CSE had changed the pre-

² According to definitive results based on distribution approved by the CSE on November 11.

established rules by authorizing, on the basis of new criteria, seats for deputies in departments other than those stipulated by the law.

The court dismissed the suit on the ground that the decisions of the CSE were final, given its authority as a branch of the national government. The appellants and the other affected candidates then filed an appeal for review of the facts with the Supreme Court of Justice on December 12, in which they requested the suspension of the proclamation of winners and consequently the seating of the 14 candidates whose election had been impugned. The Court dismissed the appeal.

PART VII

Analysis of the results

1. The official results

Between October 23 and November 22, the Supreme Electoral Council reported three official results. On October 23, with 87.48 percent of the votes counted (1,628,799 valid votes deposited at 7,869 polling stations), the CSE reported partial results, which gave 49.34 percent to the Liberal Alliance (AL) and 38.09 percent to the Sandinista National Liberation Front (FSLN). On November 8, when the arithmetical errors had been corrected, the CSE published so-called “provisional election results,” giving 51.03 percent to the AL and 37.75 percent to the FSLN. Finally, on November 22, after the period for review petitions had expired, the CSE reported the “final provisional results,” in which it gave 50.99 percent to the AL and 37.83 percent to the FSLN. The differences in the three sets of official results can be seen in Table VII. It is worth noting that on December 3, at a press conference called to report on the criteria used for distributing the legislative seats, the president of the CSE announced that some changes had been made in the results published as final on November 22, but did not give any specific information about them.

Table VII
Comparative Table of Results

	October 23: partial	November 8: provisional	November 22: final
AL	811,628 (49.34%)	904,908 (51.03%)	896,207 (50.99%)
FSLN	626,644 (38.09%)	669,442 (37.75%)	664,909 (37.83%)
Others	205,219 (12.57%)	199,050 (11.22%)	196,847 (11.18%)

Annulled elections

As a result of the arithmetical review, 2,780 elections were annulled--5.15 percent of the total 53,970 held. The annulled elections were as follows: 441 presidential elections, 4.96 percent of the total; 464 for national deputies, or 5.16 percent; 459 for departmental deputies, or

5.16 percent; 471 for deputies to PARLACEN, or 5.24 percent; 490 for mayor, or 5.45 percent; and 455 for councilors, or 5.06 percent.

After the period for filing and responding to review petitions had closed, however, these figure changed again. The total number of elections annulled became 3,289--another 509, or 6.1 percent of the total. Of these, 510 were for president (5.67 percent of the total), 573 for national deputy (6.37 percent), 534 for departmental deputy (5.94 percent), 539 for deputy to PARLACEN (5.99 percent), 556 for mayor (6.18 percent), and 577 for councilor (6.41 percent).

Polling stations that did not open. In addition to the elections annulled during the post-election period, it was reported that eleven polling stations in different parts of the country had not been in operation on October 20. According to information provided by the CSE, two polling stations in Chontales Department did not open because they had not received the electoral register and the voting materials; two in Matagalpa Department because of the flooding of the Río Grande, which prevented the materials from arriving; two in Wiwilí, Jinotega Department, because the boat carrying the voting materials sank; and five in RAAS, two in El Tortuguero and two in Cruz del Río Grande because of a lack of voting materials and one in Laguna de las Perlas because of interference by armed groups.

The results of the quick tally

The quick tally performed by the Mission produced the following results:

Liberal Alliance	48.67%
FSLN	41.30%
Other parties	10.02%

These results are consistent with and support those obtained by the Ethics and Transparency organization, which audited the results before publishing them, as an additional guarantee.

	Percentage	Difference
Liberal Alliance	49.22%	0.55%
FSLN	40.87%	0.43%
Other parties	9.91%	0.11%

It should be noted that the results of quick tallies tend to coincide with the official results. The rate of error of the OAS/EU sample increased at the last minute owing to factors such as the dividing up of the polling stations, which made sizable changes in the numbers of persons

registered with the polling stations in the sample for the quick tally (129 of the 160, or 80.12 percent, reported changes in the number of voters registered between October 8 and 19, even though the CSE register should legally have been closed on September 20, and the total change in registered voters amounted to 2,918, or 6.14 percent of the 46,370 in the sample). This introduced a significant bias in the sample.

PART VIII
Complaints

1. General considerations

Regulations on the filing of complaints related to the electoral process with the competent election authorities were issued by the CSE on August 5 in a document titled “Procedural Rules for Processing Complaints.” These rules were adopted after the campaign had begun and the Election Law had been in effect for seven months. According to this instrument, the offices authorized to hear and decide any complaints filed during the elections were the CSE’s Office of Complaints and the departmental electoral councils.

The document contains eight articles, which specify, among other things, that complaints must be filed in writing (in the case of oral complaints, a record must be made and then presented); and that complaints may be filed only by the legal representatives of the petitioning political organizations. The regulations establish that it is the responsibility of the main office of the CSE to handle any complaints of a general nature, such as those involving candidates for President or Vice-President, national government officials, or national officials of participating political organizations and/or against departmental electoral councils. The regulations give the departmental electoral councils residual jurisdiction, which means that they are responsible for everything that has not been specifically assigned to the main office, such as complaints against polling stations.

The CSE regulations also establish that as soon as a complaint has been received, the competent authorities must notify the legal representative of the respondent political organization so that it may answer within 72 hours. Then, if the competent electoral authority deems it advisable, it opens a five-day period for the taking of evidence. It then has 48 hours to resolve the complaint. These decisions are binding and must be reported to the parties or organizations involved and, if pertinent, to the Office of the Special Electoral Prosecutor.

In applying those rules, it should be noted that the various departmental electoral councils had no single standard for the procedures to be followed in dealing with complaints, or for determining who was the competent official to follow it up.

The Election Law does, however, contain six articles setting out the presumptions that constitute electoral offenses and the punishment for each (21 specific cases). The Law does not specify the powers of the electoral authority, the Electoral Prosecutor, or the competent judges,

nor does it clearly establish procedures for describing the various acts that may be considered as election offenses.

The CSE complaints office

The CSE Complaints Office was established in January 1996 and began to operate in June under the direction of one of the agency's magistrates. It consisted of a director, an adviser, and an assistant, who handled all the receiving, processing, evaluating, and settling of complaints and reports of irregularities presented to them directly or through the departmental electoral councils.

From the date the Office opened until November, an estimated 200 complaints and reports were filed. Most of them were presented by the major political organizations--the FSLN and the AL. Those that were national in scope were usually presented by individuals, whereas complaints at the departmental level were for the most part lodged jointly by several political groups (as a rule, one party would present a complaint that would be endorsed by other groups or parties).

It was also noted the largest number of complaints or reports were filed in June, during the ad hoc registration process, and in September and October, during the pre-election period.

The office of the electoral attorney

Article 185 of the Election Law provides that six months before every election a specific electoral attorney's office shall be set up within the Office of the Attorney General and shall cease to function as soon as the problems related to that election period have been resolved. This was the office responsible for hearing cases of complaints or reports of irregularities related to the electoral offenses specified in the Election Law. It could deal with complaints initiated either by the parties involved or by the departmental electoral councils.

After the attorney's office had studied a complaint file it would decide whether there was sufficient evidence that an electoral offense had been committed. If so, it filed a court case.

It should be noted that the judicial structure in Nicaragua is the following: single local courts, at the municipal level, district courts at the level of the capitals of departments and autonomous regions, appellate courts (at the regional level), and, the Supreme Court of Justice (at the national level). These were the courts at the various levels of jurisdiction, competent to hear cases of alleged electoral offenses presented either by the officials of the participating political organizations or by the election officials themselves.

The Mission's activities

To permit detailed monitoring of complaints filed during the electoral process, the Mission established an office to receive and track complaints, which operated both at its headquarters and at the regional offices. Since it was not authorized to settle the complaints received, its work was confined to transmitting them to the pertinent electoral officials and follow up the action taken on them.

To perform this function, the Mission kept up constant contacts with the complaints offices and the CSE Secretariat of Legal Proceedings, in the case of headquarters, and with the officials in charge of handling complaints in the departmental electoral councils, in the case of the regional offices.

The Mission's initiative was well received by the various political groups and/or parties, which continually sent it any complaints they considered relevant.

2. The complaints filed

Some of the complaints filed with the electoral authorities during the various stages of the electoral process are described below.

Pre-election period

Ad hoc registration process. A number of complaints were filed during the ad hoc registration process. One of the most important ones, filed by the AL, had to do with the distribution of previously marked civic certificates to nine polling stations in the municipality of Matiguás, in Matagalpa Department. According to the findings of Mission observers, the poll workers there distributed 69 certificates with the blank spaces for the first round already marked. The case was resolved by the authorities of the Departmental Electoral Council, who allowed people to vote with the already marked certificates.

Location and staffing of the polling stations. The process of locating and relocating the polling stations was a source of constant complaints by representatives of political groups, candidates, and voters in general. As a rule, the complainants would criticize the decisions made by the CSE to locate polling stations in places that were far away or hard to reach, creating problems for some sectors of the population (this was sometimes attributed to supposed attempts to marginalize the followers of one or another political group or prevent them from voting). In many cases, the stations were moved to neighboring municipalities or departments, as happened with a group of voting stations in Madriz Department which affected the residents' access to them.

The staffing of the stations generated various complaints by representatives of political parties, who generally argued that their groups had not received enough posts in the stations in their department.

Actions of government authorities. During the pre-election period, allegations of campaigning by government officials were received. The FSLN, for instance, accused the Education Minister of having ordered the distribution to middle schools of a booklet on the recent history of Nicaragua that described the Sandinista period in negative and pejorative terms. The CSE had no time to issue a decision in that case, because the next day the President ordered the booklet withdrawn.

Issuance of identity cards and documents. The process of issuing identity cards to Nicaraguan citizens gave rise to various sorts of complaints. The most resounding were from AL activists and, to a lesser extent, from the FSLN, regarding the “improper collection” of stubs from identity-card application. According to the complainants, the activists complained of trying to deprive supporters of their stubs in order to prevent them from picking up their voting documents from the municipal offices in charge of identity cards. The CSE Complaints Office notified the people against whom the complaints had been lodged, who generally responded that they were merely conducting surveys and checking the electoral register and for that purpose sometimes asked to see the stubs for a few minutes. In any event, the election authorities decided that citizens without stubs could pick up their papers with no problems by presenting of identification.

The Mission received a series of complaints and reports of irregularities from almost all the departments in the country about the process of distributing and issuing the voting papers. In most cases, the complaints had to do with late delivery of the documents, omissions from the electoral register, errors in names and in places and dates of birth, the receipt of substitute documents instead of identity cards, and the sending of documents to the wrong town or department.

Membership of the departmental electoral councils. During the pre-election process, complaints were also received regarding the membership of the municipal electoral councils. The AL, for instance, complained that the Carazo departmental council failed to comply with Article 16 of the Election Law, which stipulates that councils must be formed from lists of citizens presented by the legal representatives of the political parties. The CSE, after some discussion, revoked the action and made some changes.

Election campaign. The complaints regarding the election campaign mostly had to do with minor matters, such as the destruction of a party’s publicity materials or the affixing of posters on private property.

There were also reports of improper use of party emblems and insignia. These were lodged by the presidential candidate of the Nicaraguan Resistance Party (PRN) against the presidential candidates of the AL and FSLN, and accused those organizations of using PRN insignia in their television commercials. This situation, according to the complainant, sent a wrong message to the voters, suggesting that there was an alliance between the PRN and those organizations. The CSE, in accordance with its rules of procedure, ordered that the commercials be discontinued or the portion affecting the complainant be eliminated.

Certain political groups complained that their candidates had been misrepresented in the television commercials of rival parties. This was the gist of complaints by the people’s subscription association “Viva Managua” against the people’s subscription association “Sol” and the Unity Alliance (AU). According to the complainant, these groups depicted their candidate in a “denigrating” way, which was a violation of the ethics rules and agreements signed by the political parties.

The FSLN accused the Association of Dispossessed Persons of placing advertisements in which the Sandinista administration was described in coarse language. According to the complainant, the phrases and adjectives used in these advertisements were not consistent with the electoral-ethics rules and agreements, which affected the normal progress of the elections. The CSE ordered that the advertisements be withdrawn.

While this subject was being publicly debated, the AL lodged a similar complaint against a PRN candidate for deputy, for showing a television commercial that, in the opinion of the complainant, violated the “image” and “dignity” of the Liberal presidential candidate. The commercial showed him with members of the Somoza family, implying that he had received funds from that family to finance his campaign and that, if elected, he would represent a continuation of the Somoza regime. Both the Association of dispossessed Persons and the PRN candidate for deputy continued to use their advertisements.

At the end of the campaign, the AL complained to the CSE over its decision to authorize the FSLN to close its campaign two hours after the AL had staged its closing event in an adjoining square. The AL argued that it had been the first to request a permit, and so the permit issued to the FSLN should have required it to reschedule its closing event. The AL maintained that it was undesirable to hold the two events so close together, because this could cause confrontations between the opposing groups and lead to incidents of violence.

Election day

On election day, many complaints came in about the late opening of the polling stations, the shortage of election materials, and the illegal staffing of the stations, such as having only one poll worker or having two from the same party. The Nicaraguan Institute of Human Rights filed a complaint about the improper handling of the voting packets while they were being moved to the polling stations.

Post-election period

Abandoned ballots. During the post-election period, there were many reports from people who found abandoned ballots, many of them marked, in various places.

PART IX

Conclusions and recommendations

1. Conclusions

According to the findings of the Mission, the October 20, 1996, elections can be considered free and legitimate. During their observation, no widespread or localized fraud were uncovered. The irregularities detected were primarily technical or administrative, and they did not affect the free expression of the Nicaraguan people's political will or upset the essential conditions required for the free exercise of political and electoral activity. Citizens exercised their right to vote without coercion or impediments of any kind and the political parties enjoyed the basic guarantees necessary to convey their messages and inform the public about their platforms and candidates.

However, the problems and deficiencies observed during transmittal of returns, the correction of arithmetical errors, the settlement of appeals, and the allocation of seats clouded the transparency of the process. Although responsibility for these irregularities falls on the shoulders of the electoral agencies, it should be noted that the political parties did not fully exercise their powers of inspection of the various complex phases of the electoral process.

The October 20 elections were the most complex elections in the political history of Nicaragua because six elections were being held simultaneously and a large number of political groups participated in them. In this regard, it should be noted that the Supreme Electoral Council had to cope with major problems in organizing the elections. The traditional voting system could not be replaced in time by the permanent electoral register system, and so on October 20 a combined system had to be used in which people with any of three different documents, and even people whose names did not appear in the electoral register, were permitted to vote. As for the legal framework, the election laws proved to have large gaps, and this gave the election officials broad discretionary powers.

The participation of a national observer group for the first time in the political history of Nicaragua was a sign of the election authorities' determination to promote the legitimacy and transparency of the process.

The support offered by the central government through its various agencies was decisive and showed the strong determination of the Executive to support the election process. The army

and the police did an outstanding job of providing security for Nicaraguan citizens in a professional and nonpolitical manner.

Aside from the technical and administrative irregularities and shortcomings observed during the October 20 elections, the respect for the law shown by the competing candidates and their interest in settling their disputes peacefully provide convincing evidence of the political will and the efforts of the Nicaraguan people to advance in their march towards strengthening and consolidating democracy.

It is also important to note the respect for laws and regulations demonstrated by the groups participating in the contest, and especially those who used appropriate legal channels to lodge their complaints. By using legal methods to settle post-election disputes, Nicaragua's political leaders demonstrated the degree of political maturity they have achieved. This attitude helped to strengthen the system and ensure the institutionalization of legal means for resolving conflicts.

2. Recommendations

The following recommendations are divided into eight areas: the electoral system, the electoral register, the issuance of identity cards, the organic structure of the CSE, electoral logistics, civic education, vote counting and the transmittal of results, and the legal framework.

The electoral system

As was explained above, one characteristic of the Nicaraguan electoral system is that it is based on so-called ad hoc registration, which consists in registering citizens in a provisional register that is discarded after each election. Although the Supreme Electoral Council had initiated a plan to replace this system with one based on a permanent register, it could not be fully implemented in time for the October 20 elections, as a result of delays in the issuance of identity cards, among other factors. In view of the disadvantages of the current combined system, the Mission recommended that the new system be implemented in its entirety as soon as possible.

A system based on a permanent register, however, requires greater over-all administrative efficiency and more use of computer technology. Consideration might be given to expanding the CSE's use of computers by redistributing its resources to the departments and creating departmental computer sections based on national technical standards, plans, and guidelines. Computer analysis is extremely important and should be used to produce a consistent, documented system. Since most of the errors in data observed had to do with input, consideration could be given to completely changing the system for entering and verifying data by incorporating methods for, among other things, checking inputs and controlling the information quality.

The CSE might also consider working regularly with the political parties throughout the implementation of the new system. It might be worthwhile to look into the possibility of creating a permanent entity within the Council made up of representatives of all the political parties. This unit should have access to all sections of the CSE.

The electoral register

The Mission considers it desirable to organize a system for keeping the electoral register permanently up to date between elections. Ways of doing this could include the organization of a national system interconnected by computer and close coordination with other government offices and agencies, such as municipal civil registries, hospitals, embassies, consulates, police headquarters, and courts.

The timetable for the electoral register could be based on three dates: an initial date, to permit changes resulting from the ordinary screening process; an intermediate date, for changes or corrections by citizens; and a final date, after which the amendment period should be closed so that voter lists and addresses of polling stations can be published and circulated.

Issuance of identity cards

The Mission has the following measures to suggest in relation to the process of issuing identity cards:

- a) Give priority to completing the process of making and issuing identity cards.
- b) Review one by one the current list of persons with identity cards, to correct errors discovered during the cross-check of the register and the mass delivery of voting documents.
- c) Examine the possibility of giving mayors' offices the power to issue identity cards. Since they are responsible for the civil registries, they could become the source of the electoral register. This process would, however, require a substantial change in the organic structure of the CSE and in the laws governing the present system.
- d) Conduct ongoing promotional campaigns to encourage citizens to obtain their voter identification papers, urging them in the process to report any changes in their civil or migration status or their domicile.

The organic structure of the CSE

The Mission recommends consideration of the possibility of changing the organic structure of the CSE to adapt it to the permanent register system. This might involve examining the desirability of keeping the CSE as the lead agency for policy matters and the approval of plans and resources while administrative and operational responsibilities in technical electoral matters were delegated to two main bureaus: one for elections and the other for identity cards and/or a combination of civil registry and identity cards.

At the same time, consideration should be given to the possibility of having a centralized executive bureau to provide a single leadership, which would mean centralized planning and

decentralized operations. Similarly, greater integration between the CSE and the departmental electoral councils and the national bureaus could be contemplated, since in the recent elections those units had no central entity to go to when problems or emergencies arose.

In addition, an internal audit office and a planning bureau to centralize and supervise the specific activities of each bureau, and which could be expanded temporarily during election periods, could be created. The Bureau of Informatics could be converted into a bureau of organization and systems, with components covering organization, methods, analysis, and programming of information and operation systems. This bureau should include a computer center and a permanent computerized audit unit, subsidiary to the internal audit office.

As far as technical and administrative matters are concerned, consideration could be given to amending election laws to keep the departmental electoral councils in existence after election periods and to create a municipal election agency and local election offices in rural areas, among other things.

It is also recommended that the possibility of implementing a feedback system be studied, to make it possible to correct problems found in the course of elections and to maintain close relations and communication among the areas involved. This would permit plans and programs to be revised with a minimum of loss of time.

Since the CSE's training of technical staff is sporadic and dependent on circumstances, study could be given to the possibility of establishing a permanent training unit, so that the experience acquired by CSE staff after each election could be capitalized on and used in the organization of future elections.

Election logistics

In the area of election logistics, the Mission recommends that the following measures be considered:

- a) Ensure effective coordination among the sectors concerned with logistics, so that possible problems can be anticipated and valid alternatives designed.
- b) Adopt better quality controls for election materials.
- c) Set up municipal supply stations on election day to make it easier to solve problems. The head of the logistics area could appoint persons from the voting centers and/or departmental officials, who could work closely together to satisfy logistical need, such as a shortage of voting materials, a lack of transportation, and the like.

- d) Distribute election materials according to a system of priorities, beginning with distant and hard-to-reach places.
- e) Coordinate with the army and the police to ensure advance knowledge of where the members of those forces responsible for election security will be voting. In this way, the election officials can deliver the right amount of materials to the polling stations.
- f) Strengthen the systems for controlling leftover election materials, especially ballots.
- g) Order a security number printed on each ballot (adhering to the number of ballots determined by law for each polling station), to facilitate control of them.
- h) Strengthen the systems for the supervision of ballot printing, with emphasis on the need to meet the deadlines established in the electoral timetable, working with political-party representatives, primarily in the area of quality control.
- i) Appoint an official in charge of logistics at the national level, empower him to adopt and carry out whatever measures he deems advisable without having to consult other agencies. Appoint in addition a person in charge of logistics at the departmental level, to establish effective coordination.

Electoral mapping. This area should be adapted to the needs of the permanent register system. At the present time, the CSE is responsible, through its Electoral Mapping Bureau, for deciding on the location of voting centers, which are not always near where the people live. The new system could emphasize opening polling stations in the neighborhoods concentrating them in places such as elementary schools, high schools, universities, and government centers. This would make it possible to set up a sizable number of polling stations in a single place, with adequate infrastructure and space. To speed up the consideration of these changes, some of the studies prepared by various international organizations could be used as a basis.

Staffing and operation of the polling stations. In accordance with the Election Law, the polling stations with more than 400 voters must be subdivided into two stations. However, compliance with this rule during the recent elections caused many complications, since the second station was usually located at a considerable distance from the first. To avoid these problems, the possibility of having parallel stations in the same place could be considered. This arrangement would obviate the need to draft a new map, and at the same time would make it easier for voters to find the station.

To facilitate the staffing of the polling stations, the political parties should be required to provide lists of candidates sufficiently in advance, so that the electoral authorities can make the appointments. This period could be stipulated in the Election Law and thus in the election timetable.

Civic education

The CSE and other government institutions could develop permanent civic education programs directed towards encouraging voter participation at the national level. In some countries in the hemisphere, the election agencies work with various sectors of society to encourage voter participation, no matter when the next elections are to be held. The CSE could introduce similar programs based on that experience. For this, consideration could be given to creating a structure within the CSE that would be in charge of conducting civic education activities on a year-round basis. It could work together with other government and nongovernmental organizations involved in this area.

Vote counting and transmittal of results

Election laws similar to that of Nicaragua provide for two vote counts: a preliminary count at the polling station; and a definitive one at the departmental level. The former consists of an individual counting of votes and is the primary and sometimes the only occasion for presenting challenges. During the second count, any challenges are resolved in accordance with a specific procedure. Generally, the definitive count is performed at the same level as the election; in other words, votes for president are reviewed in the supreme councils, departmental votes in the departmental councils, and municipal votes in agencies at that level. The underlying idea behind this system is to save time so as to have the results as soon as possible and avoid recounts and continuous handling of the materials. The Nicaraguan legislation has adopted much of this system, though with certain differences. In view of these circumstances, it is recommended that the levels of jurisdiction in the Nicaraguan system be clearly defined and that rules for the operations of each be established.

Given the problems observed in the polling stations on election day, consideration should be given to redesigning the present forms for transmitting returns, bearing in mind the environment and the physical conditions in which they are filled out. For instance, they should have bigger spaces that are visible in poor light, and the arithmetic needed to check them should be reduced to a minimum. Among other things, there should be spaces indicating whether soldiers or policemen voted at the station.

According to observations by members of the Mission, the use of telegrams caused many transcription errors, since the data on them had to be rewritten at the ENITEL offices. The possibility of using a system that would permit the direct transmittal of a copy of the tally record should be considered.

The legal electoral framework

To see where the electoral law needs to be amended, a thorough study of the current legal electoral framework is recommended. This review could be done by a multidisciplinary committee made up of experts in election law and in technical and administrative aspects.

Since elections on the Atlantic Coast are close at hand, it is recommended that this study and any reforms resulting from it be ready by that time.

PART X
Appendixes